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THE JOURNAL

of

The AMERICAN IRISH HISTORICAL SOCIETY

EDWARD F. McSWEENEY }
THOMAS ZANSLAUR LEE } EDITORIAL
FRANCIS J. QUINLAN } COMMITTEE

VOLUME XXII

FOR YEAR 1923

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1923

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HISTORICAL SOCIETY

1913

American Irish Historical Society

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1923

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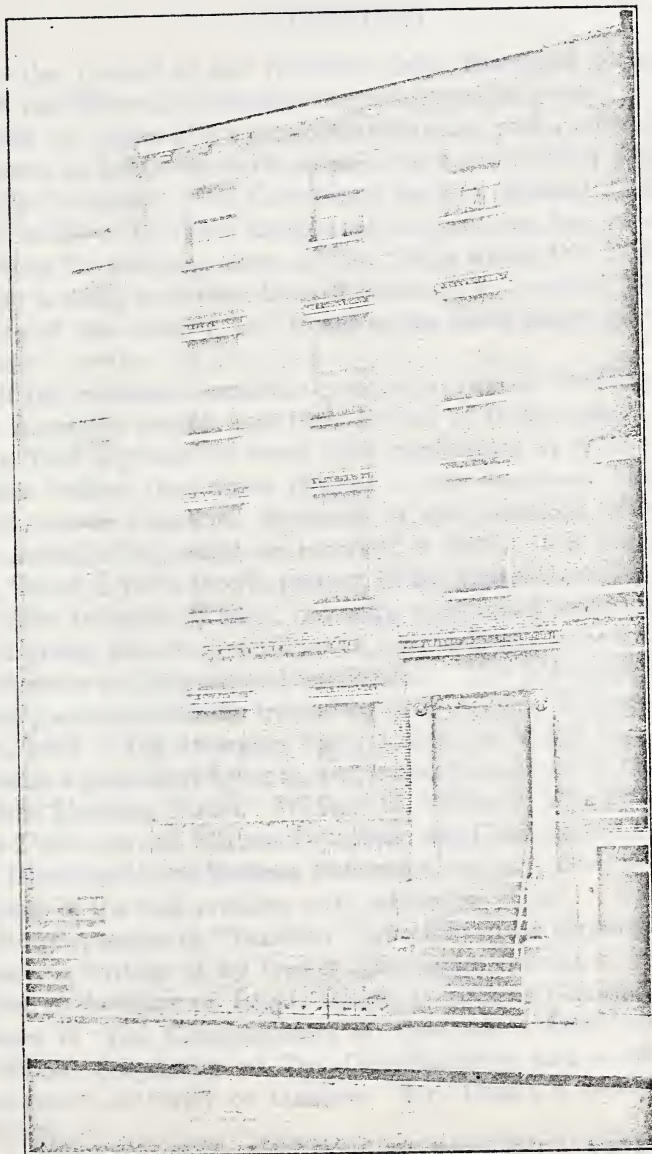
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PRESENT HOME OF OUR SOCIETY

FOREWORD

In the Journal of the American Irish Historical Society, for 1923, the Editorial Committee has endeavored to present a volume having an appeal of a nation-wide character, and a broad general interest, as befits the work of an organization whose purpose is wholly historical. The Committee has not confined itself, however, solely to historical sketches of the past, but has undertaken to show, in addition, some of the things which the Irish racial group is doing in various lines of endeavor to promote the prosperity of this country, and to aid in the development of its civilization.

Of the important economic questions requiring consideration by the American people, and their leaders of public affairs, today, none hold a greater or more vital significance in respect of our future welfare than those relating to the Merchant Marine, to Coal, and to Taxation. Problems of transportation, of fuel, and of economics in general are involved in each. It is very satisfying therefore to be able to present, in the Journal, articles on each of these subjects by men, not only with blood relations to the Irish group, but who are moreover, acknowledged to be the highest authorities on the matters they discuss. "The Merchant Marine" is ably and conclusively treated by Rear Admiral William S. Benson, head of the American Navy during the World War, and at present a prominent figure in, and formerly chairman of, the United States Shipping Board. William H. Williams, Vice President of the Delaware and Hudson Company, and Chairman of the Board of Directors of the Wabash Railroad Company, deals with many phases of the fuel problem as it relates to "Coal." The much-agitated question of "Taxation," especially in its corporate significance, is written of by former Lieutenant-Governor Zenas W. Bliss, of the State of Rhode Island, at present Chairman of the Board of Tax Commissioners of that state, President of the National Association of Tax Commissioners and a nationally-recognized authority on taxation. Mr. Bliss is a member of the Society.

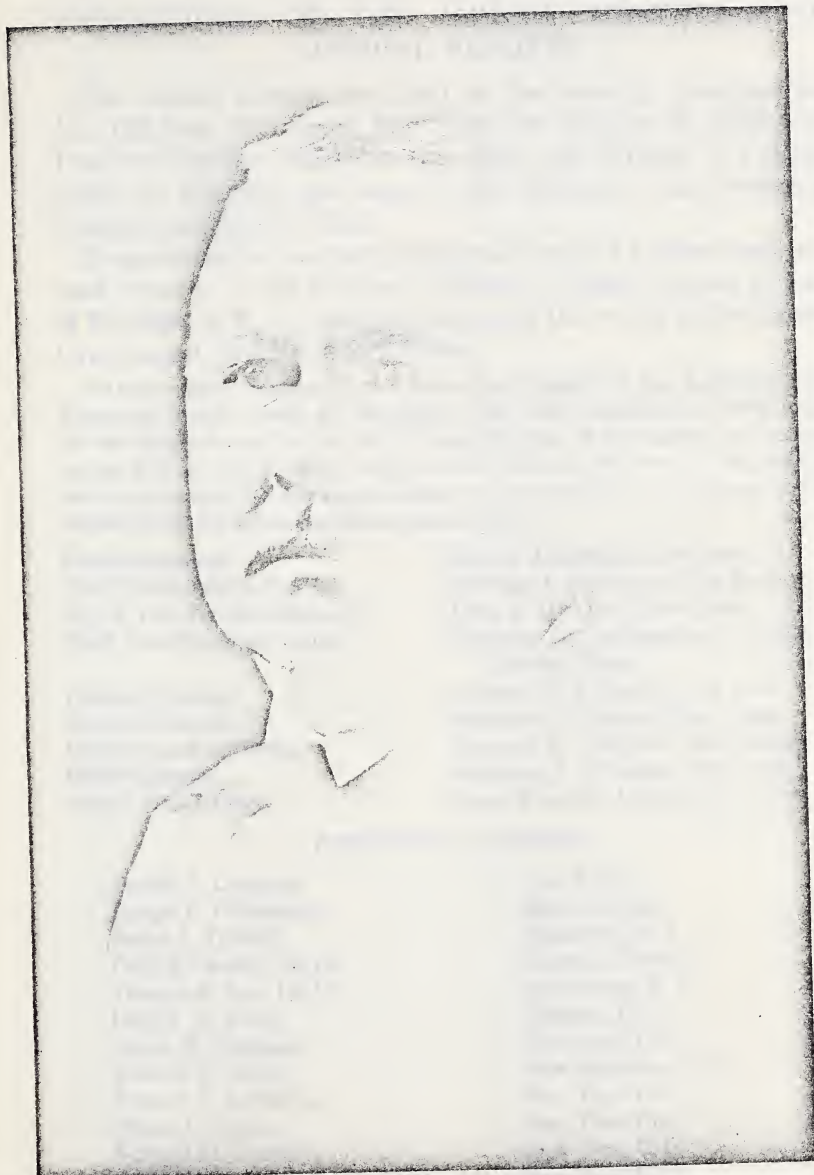
Supplementing the foregoing, the Journal for 1923 includes articles on many other phases of the activities of men of our

race in this country, as well as upon other subjects closely connected with the declared purpose of the Society. Our organization was founded as a result of the ever-growing interest which the Irish in America feel in their immediate and in their more remote past, not less than in the activities of their leaders of the present time. The Society's satisfactory financial condition and the high standing of its membership enable it to exercise a potent influence upon American public opinion, an influence which may truthfully be said to be broadening yearly. In keeping with that broadening influence it has seemed to the Editorial Committee that it has been charged with the duty of producing the Journal for 1923, a volume capable of making the highest appeal to the members of the Society, and to the general public which it is hoped to reach.

The highest diplomatic officer of the Irish Free State at present in America tells the story of the making of the new Government: The history of the founding of the A. I. H. S. is told, and an accurate historical resume of the influence of the early Irish in colonial New York is included.

Quite in line with the efforts of the Society toward disclosing hidden or more or less forgotten facts of history bearing upon the activities of our race in this country is a study dealing with the achievements of Commodore Kearny, an inconspicuous officer of the United States Navy, who played an important part in the 40's in the opening up of oriental trade to occidental competition. The historiographer continues his studies of national history. For all of these, and for each of the other valuable contributions to the volume, the Editorial Committee makes grateful acknowledgment.

Editorial Committee



JOHN J. LENEHAN
PRESIDENT-GENERAL AMERICAN IRISH HISTORICAL SOCIETY

PROCEEDINGS OF THE ANNUAL MEETING WITH ANNUAL REPORTS

The annual meeting was held at the Society's headquarters, No. 132 East 16th street, New York, on January 20, 1923, with President-General Clarke in the chair, and William J. Colihan acting as secretary pro tem, in the absence of the Secretary-General, Santiago P. Cahill.

It was voted to interrupt the regular order of business and proceed directly to the election of officers. Judge Thomas Z. Lee, of Providence, R. I., therefore presented the report of the Executive Council, which was as follows:

"At a regular meeting of the Executive Council of the American Irish Historical Society, held on December 12th, 1922, nominations were made for the offices to be filled at the Annual Election of the Society, to be held on the 20th day of January, 1923, at 10.30 A.M., at the home of the Society and the names of the following members were selected by it to present to the Society to fill the following offices, respectively:

<i>President-General,</i>	JOHN J. LENEHAN, New York.
<i>First Vice-President-General,</i>	EDWARD J. GAVAGAN, New York.
<i>Second Vice-President-General,</i>	JOHN J. MURPHY, New York.
<i>Third Vice-President-General,</i>	EDWARD F. MCSWEENEY, LL.D., Boston, Mass.
<i>Treasurer-General,</i>	ALFRED M. BARRETT, New York.
<i>Secretary-General,</i>	SANTIAGO P. CAHILL, New York.
<i>Librarian and Archivist,</i>	VINCENT F. O'REILLY, New Jersey.
<i>Historiographer,</i>	MICHAEL J. O'BRIEN, New York.
<i>Official Photographer,</i>	ANNA FRANCES LEVINS, New York.

EXECUTIVE COUNCIL.

Daniel F. Cohalan,	New York
Joseph F. O'Connell,	Boston, Mass.
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Thomas Z. Lee, LL.D.,	Providence, R. I.
Patrick T. Barry,	Chicago, Ill.
James T. Halligan,	New York City
Edward H. Daly,	New Rochelle, N. Y.
Edward J. McGuire,	New York City
Henry L. Joyce,	New York City
Edward M. Tierney,	New York City
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John W. Goff,	New York City

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 Ogdenburg, N. Y.
 New York City
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 New York City
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 Brooklyn, N. Y.
 New York City

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 Massachusetts
 Michigan
 Minnesota
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 New Hampshire
 New Jersey
 New York
 North Carolina
 North Dakota
 Ohio
 Oregon
 Pennsylvania
 Rhode Island
 South Carolina
 South Dakota
 Tennessee

T. A. Riordan
 Right Rev. Edward J. Hanna
 James J. Sullivan
 Phillip A. Curran
 John J. Cassidy
 J. J. Sullivan
 Michael A. O'Byrne
 John McGillen

—
 Jerry B. Sullivan
 Patrick H. Coney
 James Thompson
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—
 Cornelius J. Corcoran
 Cornelius Corbett
 Right Rev. Austin Dowling
 Dr. R. A. Quinn
 Hon. O'Neill Ryan
 William Scallon
 James F. Brennan
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 Michael J. Corbett
 E. I. Donovan
 Thos. Plunkett
 J. P. O'Brien
 Thos. Hobbs Maginniss, Jr.
 Michael F. Dooley
 William J. O'Hagan

—
 Frank McLoughlin

Texas	Richard H. Wood
Vermont	Thomas Magner
Virginia	Daniel C. O'Flaherty
Washington	William Pigott
West Virginia	—
Wisconsin	Thomas J. Neacy
Wyoming	—

OTHER VICE-PRESIDENTS

Canada	Leo D. Ryan, Montreal
Dist. of Col.	Rev. Patrick J. Healy, D.D.
Ireland	Count G. N. Plunkett, Dublin
Australia	Most Rev. Daniel Mannix, D.D., LL.D., Melbourne
Philippine Islands	Most Rev. Michael A. O'Doherty, Manila

WILLIAM J. COLIHAN,

Acting Secretary-General, *Pro tem.*

Dated, New York, January 3rd, 1923.

By a vote of 32 to 31 Dr. John G. Coyle, of New York City, was substituted for Edward J. Gavegan, of New York City, as 1st Vice President-General, after which the Acting Secretary was instructed to cast one ballot for all the officers as named by the Executive Council. Dr. Coyle's place on the Council was filled by the unanimous election of James T. Hallinan, of New York City, whose nomination was submitted by Dr. Coyle.

The report of the retiring President-General was then heard. It was as follows:

There are few points of comfort in a retrospective glance over world conditions in 1922. The process of rearrangement among the races and governments of European and Asiatic countries has developed often into sanguinary warfare, with the consequent spread of new miseries among the interested peoples. I need not particularize, but a noteworthy feature in many countries lies in the consoling fact that the year witnessed a wide popular reaction from the doctrines and practices of the extremes of communism, and resulted in their subjection, forcible where necessary, to organizations, formed in democratic spirit, of representatives of the people as a whole. Even in our own United States this new salutary spirit has had its expression, and the signs are that it will grow into a determination to suppress ruthlessly here the criminal manifestations of doctrines formed first in countries of the old world to combat governments of emperors and kings, and utterly out of place in the United States, where every citizen is an equal participator in the opportunities of our government of and by the people.

As is natural, the year has shown in this republic a healing growth in economic conditions toward stability. Unemployment has decreased

The wheels of industry are turning, and the manner in which money is forthcoming for new and vast investments is proof of the tremendous vital strength and underlying wealth of the community. The condition is hopeful and heartening.

In Ireland, the 32,000 square miles of the earth's surface most dear to us, outside the millions of square miles of our great Republic, we have witnessed with pain a fratricidal struggle in which the old enemy is replaced by a revolting group devoted to unrest and destruction, in the name of an ideal never lost sight of by the government they oppose. May they learn to live in the light of peace, and allow the, as ever, "distressful country," to regain its prosperity, its place in the sun. The spirit of compromise, the doctrine of give and take, is that under which all successful governments formulate their laws, which then become binding on all, and under which they live, until duly and in an orderly manner modified or abrogated. It is our own spirit. Upon this spirit England from 1688 to the present day—215 years—has grown to her wealth and world-reach, "broadening down from precedent to precedent." Why should not Irishmen take a lesson from her book?

The year to the American Irish Historical Society has been one of hope and leaves us a pleasing outlook. The Secretary-General and Treasurer-General in their reports deal in detail with its affairs, mainly centering upon the provision for the payment of the costly alterations to our Home and the expenses attendant upon the enlarged activities of the Society. I can add nothing to these statements.

My conclusion from examining them is on a level with my forecast concerning them. To keep the Society securely on its feet we must have a vastly increased roster of annual members. The reasons are simple. The great bequests are for specific purposes and entail in their carrying out derivative expenses that can only be met from two sources. Annual Members in large numbers, helped by rentals from the two floors in the building above the Main Hall.

These matters are of such clear visibility and so press for development that further insistence on them here is unnecessary. The new administrators will find it their most formidable duty, and I cheerfully leave it in their hands.

VALEDICTORY

It comes to the hour of laying down with grateful heart the President Generalship of the American Irish Historical Society, which honorable office I have held since 1913, and from which I definitely retire. I am grateful for many things. First for the whole-hearted support vouchsafed to me, and secondly for the fruition of activities that culminate in handing over to the Society its new and splendid home, provided by the generous bequests of the late Dr. John T. Nagle, of \$60,000 cash and now including, outside the fine house at 132 East 16th Street remodeled for the Society's purposes, an entirely new fireproof Library erected in the rear of the original premises for the safe housing of the rare volumes of Irish and American Irish books bequeathed to the Society by the late eminent scientist, writer, thinker and patriot, Dr. Thomas Addis Emmet. Therein, too, is housed the fine

Irish Library bequeathed by our former President-General and staunch supporter of the Society from its beginning, the late John D. Crimmins, who added a bequest of \$1,000 to his gift of books. There, too, are ranged the books gathered in the twenty-six years of the Society's existence which for so long were either scattered through the homes and offices of the officers or else in ignominious storage, a burden without corresponding benefit.

In all, the library opens with some 2,000 volumes on its shelves, all related to the land from which we all sprung, of fine range and laying magnificent foundation for the collection of all books in print relating to our people in the Great Republic.

Now a library uncatalogued is as a rule a library unread. Only a catalogue of scientific calibre of titles, subjects and authors, and properly cross-indexed can serve the purpose of our great collection. Therefore, forward among the attractions and value to its members and to public students of the historic specialties on our steel stacks, is the comprehensive card-catalogue to which our gifted librarian, Vincent F. O'Reilly brings his unique and wide knowledge of Irish and American Irish books, upon which he has been at work for two months past, and which he hopes to complete within three months to come.

To these live assets of the Society one other brought to light during my administration and of unusual brilliance in his especial field of research is Michael J. O'Brien, our Historiographer, whose book "A Hidden Phase of American History" has won its place as a landmark in American-Irish research. I count it a privilege to have penned its Foreword. His later books such as "The American McCarthys," already published, will carry forward the proof of what I have so often averred that in his particular line he is without a rival. On the two men, acute scholarly, highly-trained Vincent F. O'Reilly, and the gifted master of racial research—Michael J. O'Brien, the Society is indeed to be congratulated.

It may be as well here to relate a couple of incidents following the unexpected lamented death on April 6, 1913 of Patrick Francis MacGowan, who had been elected President-General in the January preceding. I was at that time and had been for three years Vice-President-General. At the Executive Council Meeting on April 15, my name was presented by Mr. Stephen Farrelly as the successor to Mr. MacGowan. It was adopted by the council. In the course of the meeting, John D. Crimmins came to me and said, "I hope you will remain as President for many a day. I have an idea in mind concerning the Society." A week or two later I was asked to call on Dr. Thomas Addis Emmet. With little preliminary, my old friend said, "Since your election, I have changed my will. I had bequeathed my Irish books to the Catholic University at Washington, but I have now willed them to the American Irish Historical Society. I hope they will continue you."

I took those two statements as unrelated to each other, although they may have been; but as far as I could grasp both were mainly due to the fact that I had no interfering ambitions; that it was to be expected I would work for stabilization, for the confidence of the Society's members in its permanency, and holding it apart from any use of it as a personal stepping-stone to other advancement.

Another matter is that our great benefactor, Dr. John T. Nagle, whom I had known as a personal friend back to the eighteen-seventies, and whom I had seen at so many of the Society's gatherings and outings, became a very pleased and frequent visitor at the first permanent headquarters of the Society in West 39th Street, and that his will is dated April 18, 1919 one year after the Society had a (rented) "home of its own." The moral is that progress begets confidence in proportion as progress is based upon principle and is no cloak for selfish purposes or personal aggrandisement of individual, clique, political party or other predatory grouping. Ill fares the Society that finds itself embarked in the opposite direction.

It is of record that despite such weighty incitations as I have mentioned to continue in the office of President-General, I have repeatedly warned the Society against the policy of allowing individuals of whatever calibre to remain in office to the point of incrustation, but for one reason or another my several farewells at banquets and the like were nullified by my smiling reappearance a year later. For the past two years, indeed, many who had strongly adopted my view of rotation in office combined with my warmest supporters to prolong my term until the New Home should be ready to be turned over to the Society in full operation as it now is. Bating whatever human vanity may say to me, may I not hold pardonable pride in that last mark of confidence?

In the long course of the past ten years in your highest office I should record many of the Society as worthy of note whose help in the Executive Council or outside it was always on the side of good honest work. All those I have hitherto named are surely in that class of helpful workers and doers. Let me revive my indebtedness to Edward Hamilton Daly so long, so ably, so devotedly, our Secretary-General; to Alfred M. Barrett and Col. Louis D. Conley, our Treasurers-General; to Edward J. McGuire, so valuable in many things pertaining to organization, so careful and able in carrying through the legal formalities and mastering the difficulties that so vexatiously delayed the Society's entrance upon the bequeathed premises; to Dr. John G. Coyle, whose efficient editorship for many years of the *Journal of the Society* and whose vigorous commonsense out of the riches of mind richly-stored with the history and the aspirations of the Irish race in America, was always at the service of the Society; to Dr. Francis J. Quinlan; to Dr. Constantine J. MacGuire; to Alfred J. Talley; to Edward M. Tierney; to Harry J. Joyce; to Patrick Barry; to David M. Flynn; to Thomas Hobbs Maginniss, Jr.; to James O'Neill; to Robert Troy; to Miss Anna Frances Levins, and a host of others, perhaps above all to Santiago P. Cahill, Secretary-General, whose devotion to the Society has been unique.

Let me recall too, the names of others, who, in the relentless catastrophies of time, passed away, and whose memory I particularly and gratefully honor:—Patrick McGrath, John C. Linehan, John G. O'Keefe, Monsignor Brann, Dr. Sullivan, Captain Laurence O'Brien, for the passing of all of whom the Society is the poorer.

To the new officers of the Society to be elected today, I commend the support of the Society. They inherit a firmly-seated basis of prosperity. The gates are open to them for a great accession of members. Never have

the inducements to membership approached what they now are, nor what they can be made to be. Let the Society go forward to a triumph of members and resources and attractions; and may it live without political or personal ambitions outside the Society operating on those within it—its greatest danger!

And so I close, affirming my gratitude for the Society's long trust in me, and stating my determination to stand in its support in whatever days or years are left to me, always its friend in the same spirit in which I have been its servant, the single-hearted lover of our great United States and Ireland, whose new glories shall be my glory to the greatest sunlit height, which through the grim shadows of today, we hope for, and which so many of us have striven for throughout our lives.

JOSEPH I. C. CLARKE.

January 20, 1923.

On motion of John J. Lenehan, seconded by Judge Cohalan, a rising vote of thanks was tendered the retiring President-General for his services to the Society during the past ten years. Mr. Clarke thanked the meeting, and paid a brief tribute to the newly-elected President-General, Mr. Lenehan, after which, as the final act of his presidency, he appointed Judge Lee and Dr. Coyle to escort the new President-General to the chair.

President-General Lenehan, upon assuming the chair, said;

"Gentlemen of the Society, I beg to thank you for electing me President-General. I appreciate greatly the compliment you pay me, and I shall endeavor to the best of my ability to meet the demands of the office. Any success I attain will depend entirely upon your presence, co-operation, and support. If you help me we can make the Society a great success, and of much value to its members. We can keep the flag flying, devote ourselves to the support of the Constitution of this great republic, in the founding of which our fathers participated, and we can reflect credit upon our race."

Mr. Lenehan then read the report of the Secretary-General, Mr. Cahill being absent because of illness. It was as follows:

SECRETARY-GENERAL'S REPORT.

TO THE EXECUTIVE COUNCIL OF THE AMERICAN IRISH HISTORICAL SOCIETY.

The undersigned, the Secretary-General of the American Irish Historical Society, begs leave to submit the following as his report for the year 1922.

The Annual Meeting of the Society was noticed for January 28th, 1922 at the then rooms of the Society, 35 West 39th Street, Borough of Manhattan, City of New York. As there was an insufficient number in attendance at this meeting to constitute a quorum, the meeting was adjourned until the

20th day of February, 1922. This adjournment of the meeting did not interfere with the Annual Banquet of the Society which was held on the evening of the 28th of January, 1922 at the Hotel Astor, Borough of Manhattan, City of New York.

This was a very enjoyable occasion and a goodly number of members and their friends attended. The Banquet was a decided success and everybody had a very enjoyable evening. The success of the occasion was due in great measure, in fact entirely, to the untiring efforts and energy of the Chairman of the Dinner Committee, Mr. Joseph F. Ryan, and the thanks of the Society are due him in this connection.

As is usual on occasions of this character, notable speakers made addresses at the Banquet. A full report of the proceedings of the Banquet, including the addresses, will appear in the Annual of the Society for the year 1923.

New notices for the adjourned Annual Meeting of the Society for the 20th day of February, 1922 were sent out and the meeting was held on that day at the rooms of the Society. On this occasion more than sufficient members of the Society attended at the meeting and therefore the usual business of the Annual Meeting was conducted.

As in former years, the Society received an invitation from the Charitable Irish Society of Boston to have a representative of the Society attend the Banquet of the Boston Society on the evening of the 17th of March. The Hon. Thomas Z. Lee of Providence, Rhode Island, again kindly consented to represent the Society at the Dinner of the Charitable Irish Society of Boston, and he attended in behalf of the Society. His report of the proceedings at the Banquet will be found in the Annual for 1923.

Our Society, as usual, has received many publications from other Societies and Universities and a list of these will be found in the report of Mr. Vincent P. O'Reilly, the Librarian of our Society.

There was no Field Day of the Society held during the year 1922.

Shortly after the new year the renovation and alteration of the Society's Building, 132 East 16th Street, was undertaken and this work was in progress when the lease of the Society's quarters in 39th Street expired and although Dr. Nagle's Memorial Hall, as our home is officially known, was not really in shape or condition for the Society to move its effects into, the same were moved there on the 26th day of April, 1922. At this time the alteration and renovation of the building was in no way complete. The effects of the Society had to be placed in the library in the rear as it was the only room available, although this was not in itself finished. The rest of the house was in a chaotic condition, with all manner of workmen engaged in the alterations. After a great deal of urging and annoyance the contractors finally completed the alteration of the building, so that the Society's effects could be properly distributed around the same and made to look more inviting and home-like.

This condition of affairs, namely, having to move the Society's effects into our new home before the same was completed and the continued presence for a long time thereafter of the workmen, entailed a good deal of work for the Secretary-General in looking after various items; but in this connection the amount of work that he had to perform was almost nil in comparison

with that which the Assistant-Secretary, Miss Mary C. Donelin, was able to accomplish in the face of most trying and annoying conditions. Yet notwithstanding the lack of facilities which she had, owing to the upset condition of the building and her office, she managed, with untiring energy and unlimited cheerfulness to carry on the routine work of the Society for a period of more than five months.

The total membership of the Society is 1276. Four Honorary Members, 151 Life Members and 1121 Annual Members. The following gentlemen were elected to life membership during the year:—

Francis R. Clair
Timothy Murray
F. X. Butler
Miss Mary G. Manahan
John J. O'Keefe
Rev. Joseph Smith
Thomas Hayes Curtin, M.D.
John F. McAlery
Rev. Patrick J. O'Donnell
Roger Faherty
P. H. Kelly
John S. O'Leary
Hon. John H. Delaney
Sir Thomas Henry Grattan Esmonde
T. Albens Adams

The undersigned regrets to have to report, the Society has lost by death quite a few of its members, all of whom took a great interest in its welfare and an active part in the work of the Society.

The following is a list of the members who died during the year:—

Rt. Rev. Henry A. Brann, DD., LL.D.
John E. Gilman
Hon. Thomas S. O'Brien
James P. Silo
John McLaughlin
Rev. T. P. Linehan
William P. Dempsey
Anthony J. Barrett
Comdr. James Douglas Jerrold Kelly, U. S. N.
Rt. Rev. John Grimes
John G. O'Keefe
Hon. C. D. O'Brien
Col. Daniel E. McCarthy, U. S. A.
Rt. Rev. Patrick J. Donahue, D.D.
Hon. Edward F. O'Dwyer
Rev. Francis J. Mullin
Frank S. Gannon, Sr.
Thomas Plunkett
Hon. James Fitzgerald

John H. Murphy
Dr. M. F. Sullivan
Hon. John Brophy
Capt. Laurence O'Brien
Hon. John C. MacGuire

Among these members were some who more particularly identified themselves with and took an active part in the work of the Society.

Dr. M. F. Sullivan had been a member of the Society for a great many years and an active member of the Executive Council and was a regular attendant at its meetings, sometimes coming a great distance in order to be present and his death is a distinct loss to the Society.

The Hon. Thomas S. O'Brien was also a member of the Executive Council. He also was an active member of that body and a regular attendant at its meetings.

The Society lost another distinguished member, who, although not taking an active part in its affairs during the last few years of his life, owing to ill health, in the past was a most ardent and faithful member, namely, the Rt. Rev. Henry Brann, D.D., LL.D.

The death of Mr. John G. O'Keeffe, also a member of the Executive Council, was sincerely regretted by the other members of that body as well as all other members of the Society who had the pleasure and honor of his acquaintance. He was a man of extraordinary energy and sterling character and his advice on matters which came before the Executive Council was eagerly sought, as he had a very extensive business experience and was always ready and willing, when called upon, to do any work or go to any amount of trouble, even at a personal sacrifice to himself, to further the interests of the Society. At the time of his death he was not only a member of the Executive Council, but an active member of the Building Committee.

The Society has also lost, through death, another distinguished member, Bishop Grimes, who was Vice-President for the State of New York.

Also Mr. C. D. O'Brien who was Vice-President for the State of Minnesota and had been an active member of the Society for a number of years.

Bishop Donahue was Vice-President of the Society for West Virginia and Thomas Plunkett was Vice-President for the State of Ohio.

Mr. John Brophy of Ridgefield, Connecticut, was another member who took an active interest in the work of the Society.

The death of Capt. Laurence O'Brien was greatly to be regretted. He was a man of sterling character and his interest in the Society was not surpassed by any member thereof. He was a regular attendant at the Annual Meetings as well as the Banquets of the Society, and that he will not be present at the Banquet of the Society this year is a matter of deep regret. The activities of Capt. O'Brien performed in his early youth in behalf of his native country and his record in the Civil War will not be commented upon here, as of course, a suitable and appropriate sketch of his life will appear in the Annual of the Society for 1923.

Another distinguished member of the Society who died recently was the Hon. John C. McGuire of Brooklyn. He also took an active interest in the work of the Society.

The undersigned cannot close this, his Annual Report, without making some reference to the work of the Assistant-Secretary, Miss Mary C. Donelin, and he wishes to record, in behalf of the Society, its sincere thanks and appreciation to her for her faithful endeavor and untiring zeal to further the interests of the Society and to cheerfully undertake and carry out any suggestions made to her in connection therewith.

The undersigned can hardly refrain from calling the attention of the Society by this, his report, to the generosity of its President-General, Mr. Joseph I. C. Clarke, in connection with the expenditures or contributions made by him in order to carry out the completion of the alteration of its new home.

Some time after the actual work of altering the building was started Mr. Clarke suggested that some provision should be made whereby the floor of the Assembly Room (the old parlor floor of the building) should be strengthened and properly supported. The architect did not deem this absolutely essential, yet at the same time, Mr. Clarke considered that it would be better to be on the safe side in regard to this matter; for, with a large assemblage of people in the Assembly Room, if any accident should take place, not only he but the other officers and members of the Society would deeply regret that the matter had not been attended to in time.

In furtherance of this idea an iron beam was run along the ceiling of the front basement or office and continued back to the smoking room. This is supported on iron pillars and in the cellar on a line with the said iron beam another beam was set so as to run from the front wall of the building to the rear and also supported on iron columns. In this way the floor of the Assembly Room was made absolutely secure, so that no anxiety might be felt by the officers or members of the Society in the event of a large crowd assembling therein.

The work in connection with this improvement cost the sum of \$1,695. and for this amount Mr. Clarke gave his check.

Mr. Clarke also donated the pedestal which is placed in the Assembly Room and upon which the bust of Admiral Mead, the first Vice-President of the Society, is placed.

Furthermore, Mr. Clarke also contributed the sum of \$500. for the expenses of the Historiographer of the Society.

Mr. Clarke also presented to the Society the portrait of Dr. John T. Nagle which hangs in the Assembly Room.

There were six meetings of the Executive Council held during the year 1922.

All of which is respectfully submitted.

SANTIAGO P. CAHILL,

Dated, January 20th, 1922.

Secretary-General.

The report was accepted and ordered placed on file. Upon motion of Dr. Coyle a committee, composed of Dr. Coyle and Mr. Colihan, was appointed by the chair to convey to the Secretary-General the sympathy of the Society, in his illness, and its

AMERICAN IRISH HISTORICAL SOCIETY

appreciation of his conduct of his office. Next on the order of business was the report of the Treasurer-General, as follows;

AMERICAN IRISH HISTORICAL SOCIETY
STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE
YEAR ENDED DECEMBER 31, 1922.

RECEIPTS.

Cash on hand January 1, 1922.....		\$10,917.50
Membership Fees:		
New Memberships.....	\$145.00	
Old Memberships.....	2,755.00	
Life Memberships.....	750.00	\$3,650.00
Bequest—Dr. John T. Nagle.....		5,000.00
Real Estate—Rentals.....		335.70
Interest Revenues:		
Investments.....	\$528.14	
Daily Balances.....	210.99	
		739.13
Securities Sold.....		15,147.21
Loan—J. I. C. Clarke.....		2,195.00
Sales of Annual Journal.....		57.00
Annual Banquet.....		83.55
America's Making.....		15.00
Total Receipts.....		27,222.59
TOTAL.....		<u>\$38,140.09</u>

DISBURSEMENTS

Office Salaries.....	\$1,828.00
Janitor's Service.....	150.00
Postage, Telephone, etc.....	375.97
Light and Heat.....	121.46
Library.....	156.24
Publishing Death Notices.....	203.90
Real Estate Taxes.....	350.62
Fire Insurance.....	580.91
Historian.....	400.00
Publishing and Distributing Annual Journal.....	2,769.12
Stationery and Printing.....	195.43
Rent.....	400.00
Engraving Certificates.....	22.20
State Charter—Rhode Island.....	213.15
Legal Expense.....	100.00
Miscellaneous Expenses.....	48.97
	<u>\$7,915.97</u>

Alterations to Building 132 East 16th Street, N. Y. City.....	22,574.70	
Total Disbursements.....		\$30,490.67
Balance on hand December 31, 1922.....		7,649.42
TOTAL.....		<u>\$38,140.09</u>

STATEMENT OF CONDITION—DECEMBER 31, 1922

ASSETS

CASH:

General Fund:		
Bank of the Manhattan Company.....	\$4,253.22	
Emigrant Industrial Savings Bank.....	521.82	
Building Fund.....	1,148.86	
Foundation Fund.....	1,725.52	
Total.....		\$7,649.42

SECURITIES OWNED:

\$1,000.00 New York City 4's 1936.....	\$1,006.56	
1,000.00 " " " 4's 1955.....	966.56	
1,000.00 " " " 4's 1959.....	1,014.94	
1,000.00 " " " 4¼'s 1960.....	1,013.89	
1,000.00 " " " 4¼'s 1962.....	990.47	
Total.....		4,992.42

FURNITURE AND FIXTURES..... 1,495.00

REAL ESTATE....

No. 132 East 16th Street, New York City..... 56,624.20

Total Assets..... \$70,761.04

LIABILITIES

CURRENT LIABILITY

J. I. C. Clarke—Loan..... \$2,195.00

EXCESS OF ASSETS OVER LIABILITY..... 68,566.04

Total..... \$70,761.04

AMERICAN IRISH HISTORICAL SOCIETY
STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE
MONTH ENDED DECEMBER 31, 1922

RECEIPTS

Balance on hand December 1, 1922.....		\$8,563.14
Membership Fees:		
New Members.....	\$15.00	
Renewals.....	115.00	
		<u>130.00</u>

Interest Revenues:

Bank Balances.....	23.74
Total.....	<u>\$8,716.88</u>

DISBURSEMENTS.

Office Salaries.....	\$248.00
Janitor Service.....	50.00
Postage, Telephone, etc.....	54.76
Light and Heat.....	17.57
Library—Indexing books.....	150.00
Publishing Death Notices.....	13.15
Printing and Stationery.....	38.00
Legal Expenses.....	100.00
Insurance.....	241.50
Publishing and Distributing Annual Journal.....	24.00
Collection and Exchange.....	.40
Miscellaneous Expenses.....	1.30

\$938.68

Alterations to Building

No 132 East 16th Street, New York City...	128.78
---	--------

Total Disbursements..... \$1,067.46

Cash on Hand December 31, 1922:

General Fund.....	\$4,775.04
Building Fund.....	1,148.86
Foundation Fund.....	1,725.52

7,649.42

Total..... \$8,716.88

The Treasurer-General's report was accepted and ordered placed on file.

Judge Lee then called the attention of the meeting to the matter of increasing the membership dues, as proposed by the Executive Council. The suggestion was to increase the fee for life membership from \$50.00 to \$100.00, and that for annual membership from \$5.00 to \$10.00, the charge for those residing outside a radius of fifty miles from New York city to remain at \$5.00.

Considerable discussion ensued over this suggestion, Judge Cohalan, Mr. Clarke and Mr. Kennedy urging that the matter be postponed, and the cost of membership in the Society left where it was for the present. On motion of Mr. Clarke the matter was laid on the table, the vote to do so being unanimous.

Dr. McSweeney, chairman of the Knights of Columbus Historical Commission, then addressed the meeting, outlining some of the work of his organization in presenting to the American people certain less-known facts of American history, and urging that the American Irish Historical Society be made a factor in American national life.

The next business was the annual report of the Historiographer, Michael J. O'Brien, of New York City. Mr. O'Brien said he had not had time to prepare a written report, never having been asked for one before, but that he hoped to present one soon to the Secretary-General.

The Librarian, Mr. Vincent F. O'Reilly, then presented his report, as follows;

The possession of an excellent and valuable library of books on Ireland and the Irish, received through the bequests of our late associates, Dr. Thomas Addis Emmet and the Hon. John D. Crimmins and also through purchase by the Society, gifts from our members or through the courtesy of exchange from sister societies, renders a report by your Librarian timely and fitting.

We have now acquired through these various agencies an excellent Irish reference library of approximately 2000 volumes, adequately and permanently housed in a fire-proofed repository beautifully and comfortably furnished for the convenience of visitors or consultants.

In order that this collection may be of use and value, an adequate card catalogue is in process of compilation, listing every subject to which the books refer.

With regard to the character of the books which we now possess, we are indeed fortunate in having a collection so rich in scarce and valuable works relating to Ireland, but your Librarian feels it necessary to say that we are far from possessing a sufficient number of books relating to the subject to which we are devoted—the Irish in America.

To illustrate, there have been excellent biographies written of Andrew Jackson, Thomas Fitzsimmons, Charles Carroll, James Shields, Matthew Carey, John Binns, Stephen Moylan, and other famous men of Irish blood in America of which our Library does not own a copy. It is essential that these be secured. I would also urge the need of acquiring books of general American interest.

Through the generosity of our fellow members and through the courtesy of our sister societies, we have during the past year been the recipient of the following books and pamphlets.

List of Publications Received by Society during 1922.

NAME OF PUBLICATIONS.

"Missouri Historical Review"

October, 1922, State Historical Society
of Missouri.

"Minnesota History Bulletin"

Minnesota Historical Society

- The Southwestern Historical Quarterly"
 "The Southwestern Historical Quarterly."
 "The Wisconsin Magazine of History."
 "The Wisconsin Magazine of History."
 "The Wisconsin Magazine of History."
 "The Wash. Historical Quarterly."
 "The Wash. Historical Quarterly."
 "Library of Congress, Division of Manuscripts."
 "The Cause of Ireland Pleaded Before the Civilized World."
 "Irish Ecclesiastical Record."
 New Series, Vols. VII and VIII.
 Irish Ecclesiastical Record." Third Series Vols. II, III, IV, V. and VII.
 "The O'Toomeys of Crom and Their Descendants."
 "Thomas W. Sweeney, Brigadier-General United States Army."
 "Military Occupation of California," 1849-53.
 "Capt. Thomas Cook (1752-1841) A Soldier of the Revolution."
 "Report of Library of Congress, 1922."
 "The Nation," N. Y. 1848.
 "Ireland and the Making of Britain."
 "The Women of the Gael."
 "The Duty and Authority of Justices of the Peace and Parish Officers for Ireland." Dublin, 1778.
 "The Society of The Friendly Sons of St. Patrick in the City of New York."
 "The Longfellow Memorial Association."
- Texas State Historical Association, July, 1922.
 Texas State Historical Ass'n, Oct., 1922.
 Pub. Quarterly by the State Historical Society of Wisconsin, June, 1922.
 Pub. Quarterly by the State Historical Society of Wisc., September, 1922.
 Pub. Quarterly by the State Historical Society of Wisc., December, 1922.
 The Wash. University State Historical Society.
 The Wash. University State Historical Society.
 July 1, 1920-Dec. 31, 1921.
 Bernard O'Reilly, D.D., LL.D., Laval.
 Gift of Mr. Vincent F. O'Reilly.
 Gift of Mr. Vincent E. O'Reilly.
 Gift of Mr. Vincent F. O'Reilly.
 Thomas Noxon Toomey.
 Gift of Dr. N. Toomey.
 William Montgomery Sweeney.
 Gift of William M. Sweeney.
 Gift of William M. Sweeney.
 William M. Sweeney.
 Gift of Mr. William M. Sweeney.
 Library of Congress.
 Gift of Thos. F. Comerford.
 Purchased by Society.
 Purchased by Society.
 Gift of Mr. Vincent F. O'Reilly.
 3 copies—year book.
 "An Historical Sketch" by Winthrop S. Scudder.

- "Society of Colonial Wars in the State of California." Bulletin.
- "Bulletin of the Newport Historical Society." July, 1922.
- "Collection des Grands Ecrivains de la France." Pamphlet.
- "The Granite Monthly." New Hampshire State Magazine.
- "Official Explorations for Pacific Railroads." University of California Press.
- "Bulletin of the Newport Historical Society." October, 1922.
- "Court Minutes of Fort Orange," Vol. I. The University of the State of N. Y.
- "The Liberty Bell." Society of Sons of the American Revolution in the State of California.
- The Jays Treaty
- The Merchant Marine.
- The Open Door.
- Introduction to the Racial Contributions to the U. S. Supreme Officers, The Knights of Columbus.
- "Annuaire de L'Universite Laval." L'annee Academique, 1922-1923.
- "The Paper Moneys of Europe." By Francis W. Hirst from the University of Cal. Press.
- "Missouri Historical Review." April, 1922—State Historical Society of Mo.
- "Missouri Historical Review." July, 1922—State Historical Society of Mo.
- "Bulletin of the Newport Historical Society." Newport Historical Society.
- "The Making of a Republic." Kevin R. O'Shiel. Purchased by the Society.
- "Dunne, Judge, Mayor, Governor." William L. Sullivan.
Gift of Hon. Edward F. Dunne.

We have now on our exchange list some two hundred colleges, libraries and Societies to which copies of our annual Journal are mailed. From most of these institutions no material return comes to our Society. We may be, and probably are, achieving our object by such widespread dissemination of our work, but your Librarian feels that a careful survey of this situation will reveal the possibility of a more equitable distribution of our literature with a more adequate return to the Society. In line with this thought he would suggest that some of the Irish Historical and Archæological Societies be given consideration, for the reason that we now possess the publications of the Cork Archæological Society from its foundation to 1914, and of the Ulster Archæological Society, from the foundation of the new series to 1909. It would be advisable, in your Librarian's opinion, to bring these series of publications up to date and by exchange secure the current output of these societies.

There is another matter which, while not strictly relating to books, is considered by similar societies as coming under the heading of Library, and that is the acquisition of letters, documents, portraits and mementos of the men and events in which we are especially interested. Your Librarian recommends that a Library Committee be appointed by the President General each year; the object of this committee to be the acquisition by bequest, solicitation, purchase, or loan of such objects of an historical or literary nature as shall conform to the purposes of the society.

Our Journal, of which we have now published 20 volumes, is a mine of information for the student of Irish American history, but unfortunately his research is rendered difficult by the lack of an analytical index. Your Librarian feels that this is a matter requiring immediate attention.

We have been, for many years, collecting notices from newspapers and periodicals concerning the Irish in America. To many, these publications seem of such an unreliable and ephemeral nature that they are unworthy of preservation. They are often, however, the only means through which the subject in question receives publication and are a very necessary part of our records. Your Librarian, therefore, has instituted a filing method for preserving this miscellaneous information, which renders it easy of access and fruitful for research.

The use of our library will not alone be confined to those who visit it in their research work. We are in constant receipt of communications from places outside New York seeking various sorts of information which we are now fortunate in being able to supply. The worth of our Society and its reputation among historical researchers and the general public will be greatly enhanced by this means and our constant aim should be an increased and continued service along these lines. The best means for the success of this purpose are matters previously referred to—a large reference library thoroughly catalogued, a comprehensive index of our publications and a complete file of all such miscellaneous information as is procurable on the Irish in America.

Many of the volumes in our possession are in need of repair and the periodical publications which we have received from other societies require binding. Books demand care for their proper preservation and a fund should be created for this purpose.

Due to our lack of a permanent home heretofore, our literary possessions could not receive the attention they require. As a result we find our files lacking some of our own publications. Your Librarian therefore, appeals to the membership of the society to fill this want. Copies of the following books and pamphlets are requested.

"The American-Irish Historical Society: What It Is and What Its Purposes Are." (Boston, Mass., 1897).

"The American-Irish Historical Society: What It Is and What Its Purposes Are." Together with the names of the Officers and a List of the Members. (Boston, Mass., 1898.)

"The 'Scotch-Irish' Shibboleth Analyzed and Rejected, with Some References to the Present 'Anglo-Saxon' Comedy." (Washington, D. C., 1898.)

"The Irish at Bunker Hill: A List of American Patriots Bearing Irish Names Who Fought Against the British in the Action of the Seventeenth of June, 1775." (Boston, Mass., 1900.)

"The Recorder." A Monthly Bulletin of the Society, Part 8. (Boston, Mass., 1901.)

"Gen. John Sullivan and the Battle of Rhode Island." A Sketch of the Former and a Description of the Latter. (Providence, R. I., 1902.)

"Irish Rhode Islanders in the American Revolution; with some mention of those serving in the Regiments of Elliott, Lippit, Topham, Crary, Angell, Olney, Greene, and other noted commanders." (Providence, R. I., 1903.)

It is also recommended that a suitable form of acknowledgment be procured to send donors of publications to the library. An attractive and courteous certificate of thanks will create friendly co-operation and undoubtedly elicit further donations.

Respectfully submitted.

VINCENT F. O'REILLY,
Librarian and Archivist.

January 20th, 1923.

The President-General complimented Mr. O'Reilly on the excellence of his report, after which it was referred, by unanimous vote, to the Executive Council, with the suggestion that there be as much compliance as possible with its recommendations.

The acting secretary was then instructed to cast a ballot for the election of new members whose names together with those subsequently elected during the year 1923 appear in the printed list of members.

At the suggestion of Judge Cohalan, the Executive Council, during a brief recess, considered and recommended the election to honorary membership in the Society of Joseph Smith, of Boston, the originator of the idea of an American Irish Historical Society. The recommendation was unanimously accepted, and Mr. Smith duly elected an honorary member. Judge Cohalan then moved that the same honor be conferred on each of the survivors of the group of Founders of the Society, both those who signed the original call and those who attended the first meeting in Boston, on January 20, 1897.

It was voted that, in the absence of the Secretary-General, Mr. Colihan act as Secretary pro tem, and that he be empowered to countersign all checks in place of Mr. Cahill, and to act with all the authority of the latter during his absence.

It was unanimously voted that the President-General appoint all committees necessary to do the work of the Society, after which adjournment was taken.

THE TWENTY-FIFTH ANNUAL DINNER

The Twenty-fifth Annual Dinner was held at the Hotel Astor New York, on the evening of January 20, 1923. About two hundred and fifty members and guests were present, President-General John J. Lenehan presiding.

The speakers included the President-General, Mr. Joseph Smith; Prof. Timothy A. Smiddy, Hon. Thomas Z. Lee, and Mr. Thomas H. Mahony. The music comprised Irish melodies sung by Master Mort Downey, and American patriotic ballads, in which the guests joined. The Reverend John J. Wynne, S. J. said grace. Among the guests were James Benedict, President of the New York Historical Society; Most Reverend Peter E. Magennis, O. C. C., and Reverend Matthew C. Gleeson, U. S. N. Others who sat at the guest-table were Dr. Francis J. Quinlan, Rev. John J. Wynne, S. J., Thomas H. Mahony, Joseph I. C. Clarke, former President-General; Prof. Smiddy, Hon. Joseph Smith, and Hon. Thomas Z. Lee.

The after dinner exercises opened with President-General Lenehan's address, which was as follows:

"Ladies and gentlemen, fellow members of the American Irish Historical Society: It is a pleasant and agreeable duty to welcome you to the Twenty-fifth Anniversary dinner of the American Irish Historical Society. Just twenty-five years ago, on this very date, the twentieth of January, this Society was organized in Boston. It long underwent the hazards and mutations of youth. On this, its twenty-fifth anniversary, it has become strong and mature, ready for further endeavor and bright achievement.

"During the past year the officers necessarily devoted much time to the renovation of your new building. After a long and arduous task of reading plans, specifications and blue-prints, they graduated into the higher courses of contractors' extras; and finished with a post-graduate course of building department difficulties. Finally the building was finished, and it stands ready for your inspection.

"It stands on a plot twenty-five by one hundred feet, five stories in height. On the ground floor are the offices; on the first floor the Assembly Room; and overhead are rooms which we may rent, and therefrom derive an income.

"You will recall, in all the years of your membership, that we never dunned you for contributions. We lived modestly within our income. When we received the munificent gift of our great benefactor, Dr. John T. Nagle we developed wonderfully. The building was worth about \$35,000; we have invested, in renovating and furnishing it, \$25,000 more, making \$60,000. We had received previously from Dr. Nagle's estate \$15,000. Yesterday we received \$10,000 more. There is still due to us some \$35,000. Our total capital and investment represents about \$100,000.

"The library comprises about 1,800 volumes. It is difficult to make a conservative valuation of them.

"All told, your assets are approximately over \$100,000. For a Society only twenty-five years of age this is remarkable progress.

"Besides our own library, we have the splendid collections of Mr. John D. Crimmins and Dr. Thomas Addis Emmet. Mr. Crimmins spent possibly forty years in gathering his books, and Dr. Emmet perhaps sixty years. Combined, the library which you possess represents the accumulation and the collection of one man for one hundred years. People will come from all over the United States, and elsewhere, to examine your books and here make researches. Some of these volumes are, I am told, over three hundred and fifty years old. Many are rare; others out of print. They form a unique collection of works on Ireland and the Irish in America. It is not surpassed in any library in the United States that I know anything about. Of course, we owe all this to the gift of Dr. Nagle, the gifts of John D. Crimmins, of Dr. Thomas Addis Emmet, of Mr. William C. Durant, and the gentlemen who have contributed to our Foundation Fund, and to the splendid work of Dr. Quinlan and Judge Lee, former Presidents-General. We also are indebted for his services during the past ten years to Mr. Joseph I. C. Clarke, our retiring President-General, and to Mr. Santiago P. Cahill, our worthy Secretary-General, whose illness prevents his appearing here tonight, and to the Treasurer-General, General Louis D. Conley. He was in continuous demand, and always responded.

"When we recall what has been done in twenty-five years, we challenge the admiration of other historical societies, and of societies with Irish leanings, which boast of an age of one hundred and forty, or one hundred and eighty years, and we might ask what they think of this young fledgling. The future looms bright.

We stand faithful to those who went before us. We know the courage, the faith and the fortitude of the Irish settlers, and we are resolved to uphold their best traditions, and to make good for what they did for us. As our fathers made possible this Republic, so we, their sons and daughters, true to the history, the poetry and the legends of Ireland—ever dear—shall stand steadfast in our devotion to the constitution; and by our conservative course and high uplifted thought and noble deed, make this Republic perpetual.

"It is sweet to rejoice for a day; to pause on the summit; to stand between two limitless outlooks—the winding path by which we came, and the unbounded future that lies before us, of streams unbridged and vales untravelled. What can be nobler than to mark the passage of the kindly hearts of those who went before; what can we do wiser than pile a cairn

"With stones from the wayside,
That their tracks and names
Be not blown from the hills like sand,
And their story be lost forever?"

"By our firm adherence to the constitution and to the flag of our great Republic, we shall prove what our fathers always proved, that they ever followed the flag and never betrayed it. Then may Columbia proudly turn to the shade of Ireland and say:

"It is well, aye well, old Erin! The sons you give to me
Are symbolled long in flag and song—your Sunburst on the Sea!
All mine by the chrism of Freedom, still yours by their love's belief;
And truest to me shall the tenderest be in a suffering mother's grief."

"Our first toast is 'The President of the United States, and our own dear country.' We will drink the toast standing."

The audience arose, and the orchestra played "The Star Spangled Banner."

Mr. Allen McQuhae then sang "With the Mering due a da"; "In Dublin's Fair City," and "The Doctor's Failing."

PRESIDENT-GENERAL LENEHAN: "Ladies and gentlemen, you seem to have enjoyed the dinner, and appear delighted with the singing. It behooves me to give the praise for this splendid entertainment tonight to the gentleman to whom it belongs, Mr. William J. Colihan, the Chairman of the Dinner Committee. Mr. Colihan is indefatigable, inimitable and unsurpassed.

One of the founders of this Society, on the 20th of January, twenty-five years ago, has come from Boston tonight to be with us. He was born in Dublin; came to this country as a young man with an excellent education; served in the regular Army under the Stars and Stripes; later entered journalism and has made for himself a distinguished name as a man of letters, scholar and writer. At the present time he is the Director of Publicity for the City of Boston and is known from coast to coast as an ideal type of outstanding, progressive Americanism. He has kindly consented to come to tell us how this Society originated.

"At the meeting of the Executive Council today, Mr. Smith was elected an Honorary Member of this Society. I might add that he wrote a lovable, wonderful poem on the twenty-fifth anniversary of the death of John Boyle O'Reilly, "The Dead That Never Die."

THE AMERICAN-IRISH HISTORICAL SOCIETY

The Story of its Foundation and Organization

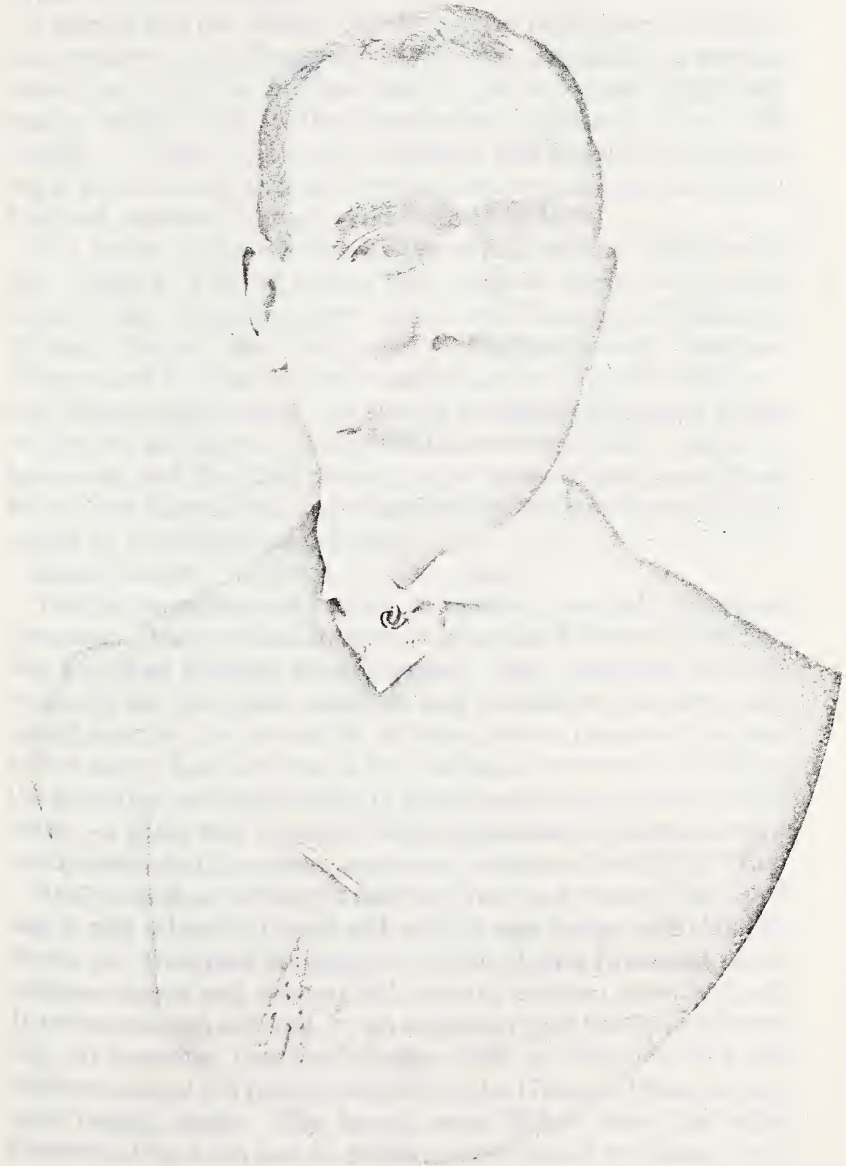
BY

JOSEPH SMITH

Along in 1895 a volume entitled the "Proceedings and Addresses of the Second Congress of the Scotch-Irish in America" came into my possession. It contained a curious collection of inventions, visions, historical perversions, extravagances and vain imaginings,

JOSEPH SMITH. Born in Dublin, Ireland, August 15th, 1853. Educated in Dublin, Ireland. Came to United States, reaching Boston in 1873. Joined United States Army that year, Company K, 8th Cavalry, served five years in the southwest, discharged in Texas, spent 1878 and '79 in Brazil, the Amazon Valley and Uruguay and the Argentine, returning to the United States in 1880. Went to live in Lowell. Married Janet Wright Worthen, descendant of a Newbury, Mass., colonial family, coming to this country in 1630. Secretary of Lowell Police Commission for ten years. Well known writer of history, verse, comment, *Harper's Weekly*, *Vogue*, *Saturday Evening Post*; regular contributor of *Boston Pilot* under James Jeffirey Roche. Associate Editor of *Boston Traveler* 1905-10; special writer *Boston Herald*; correspondent Chicago World's Fair for the *Illustrated American*. Author of a series of army stories called "Tales of a Trooper." Editor *Truth* of Boston. Publicity Department United Shoe Machinery Company for several years. Formerly Director of Industrial and Commercial Bureau of City of Boston and at present Literary Secretary of Mayor Curley.

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JOSEPH SMITH

all set forth with Calvinistic truculence, apocalyptic assurance and a contempt for truth and destitution of humor.

I puzzled over the twin riddles,—“What is a Scotch-Irishman?” “Where is Scotch-Ireland?”

I learned that one Robert Bonner, born in Londonderry, Ireland, was president of the Congress; that he was a specialist in trotting horses; and editor of the *New York Ledger*, a journal of light and leading widely read in the nurseries and kitchens of our best families. I found that sunny Pittsburg had financed the gathering of the clans and that that modest and unassuming blue-bell of Scotland, Andrew Carnegie, had chipped in \$500.

The roster of the Society interested me without enlightening me. From it I culled names that were set down as typically Scotch-Irish. Here are a few: Smith and Thompson, Watts and Wilson, McCoy and McConnell, Dougherty and Donahoo, Mooney and McShane, Moore and McLoskie, Murphy and Lawless, Hogan and Gilmore, Doran and Coughlin, Black and White and Brown and Green. Their habitats were indicated; and every hookworm and Ku-Klux district in the Sunny South, every back lot in New Hampshire, and every ice-floe in Ontario were represented by a Scotch-Irish delegate.

Again I asked, “Where is Scotch-Ireland”?

The dull impudence and solemn humbug of the whole thing gave me pause. Barnum had done some audacious fooleries in his day; but here was Barnum out-Barnumed. My excursions into the works of the American annalists and chroniclers had long convinced me that the perversion of history was a favorite American indoor sport; but here was a new variant,—perverted ethnology, the invention and exploitation of a race unknown in Heaven or on earth,—a sham race of men of straw, phantasmal exiles from the windy reaches of the moon, and weary wraiths of the Milky Way.

Analysis and some thought convinced me that “Scotch-Irishism” was a new scheme to reach old ends; a new dodge to divide and deride the Irish race in America; to split it into two antagonistic religious camps and recreate old country evils on American soil. It represented an attempt, by an appeal to their vanity and credulity, to convince the Presbyterian Irish of America that the achievements of the Irish in America in the 17th and 18th centuries were largely theirs. The laurels were filched from the other elements of the Irish race to decorate the brows of the Scotch, who

with few exceptions were enemies of the Patriot cause in the days of stress and were so stigmatized by the Continental Congress.

Perhaps I was unduly suspicious; but I made up my mind that it was time for action, before this new Scotch-Irish imposture struck its gait.

I prepared a paper intended to shatter the base upon which this new imposture was foundationed, expose the historical perversions which were the fabric of its being, ridicule its claims and boasts, its absurdities and pretensions, and laugh it out of court. My paper was published in a widely circulated and popular weekly, the "Illustrated American." To meet the demands for my article two extra editions were published and many of the daily papers of the country reproduced it *in extenso*, with evident relish, for neither the sponsors of the Scotch-Irish, nor their perversions of history were popular. I builded better than I knew. The Man of Straw had received a staggering blow. Its Congresses ceased to function; or they gathered so stealthily that they attracted no public attention; and the Scotch-Irish myth was scattered into fragmentary pieces to be used by hack writers, college professors, perverters of history, and dull post-prandial spouters and propagandists, who found the myth financially profitable.

The book and the imposture back of it brought to fruition a seed lodged in my brain for years—the necessity and advisability of organizing a historical society, whose energies would be devoted specially to the influence and achievements of the Irish element in America.

I had done some work in this line from time to time and had published some of it. It brought me into pleasant relations with Colonel John C. Linehan of Concord, New Hampshire, Mr. Thomas Hamilton Murray, editor of the Lawrence, Mass. *Sun*, and various Boston friends. I got in touch with them at once and discussed the question; and then I brought them together with James Jeffrey Roche, editor of the Pilot, Thomas J. Gargan, prominent at the Boston Bar, and others. They were all enthusiastic and eager to begin; and hearty in their approval of the organization of a society along the lines, within the scope, and to cover the purposes I had sketched for them. We agreed that no time should be lost; that the time to start was now, at once; and with an enthusiasm and generosity truly Irish, they delegated Linehan, Murray

and myself to do the work; Colonel Linehan, no longer young, who was a busy man, did his share. Hamilton Murray I found a splendid colleague, tireless and optimistic.

The first and most important step was to obtain the consent of men in various parts of the country, to cooperate with us as sponsors of the venture, men whose names meant something in the communities in which they lived, and whose character and reputation commanded respect and confidence. In every instance those solicited responded promptly, praising the announced purposes of the projected society and expressing their pleasure in being associated with it.

The call with the signature of the sponsors is appended, for the benefit of those who do not possess volume 1 of the *Journal of the American-Irish Historical Society*, wherein it was published.

A Call for the Organization of an American Historical Society whose Special Line of Research shall be the History of the Irish Element in the Composition of the American People.

Dear Sir:

A number of gentlemen, interested in the part taken in American History by people of Irish birth or lineage, are about to organize themselves into an historical society for the purpose of investigating and recording the influence of that element in the up-building of the nation.

People of Irish blood have been coming to this continent, voluntarily and otherwise, since the date of its earliest settlement. While they have been a valuable addition to colony and republic in all departments of human activity, their work and contributions have received but scant recognition from chroniclers of American history.

Whether this omission springs from carelessness, ignorance, indifference, or design, is now of little moment. The fact that such a condition does exist makes it imperative that it should be remedied, not only in the interest of historical truth, but of racial fair play. Certain elements in the make-up of the American people have not hesitated on occasion to masquerade, at the expense of the Irish, in borrowed plumes, and to pose under plundered laurels. It is the duty of honest historians to look after the rights of the lawful owners.

The history of Irish immigration to this country is of profound interest. The motive that inspired this sturdy people in coming to these shores was largely the one that animated and inspired all immigration—discontent with the existing home conditions, civil, religious, political, industrial,—and the hope of living under better and nobler conditions here.

The American of English stock has his historical society; the descendants of the Dutch, Huguenot, and Spaniard, have associations which specialize the historical work of the bodies they represent; and we feel that the story of the Irish element should be told before the mass of legend and fiction now flooding the country under misleading designations has completely submerged historic facts.

The work of our projected society will be influenced by no religious or political divisions, for with us the race stands first, its qualifying incidents afterwards. It matters little where the people came from, whether from the north, the south, the east, or the west of Ireland. It is of minor importance in what church they worshipped; we wish to merely concern ourselves with the work done by them here; to record the story of their settlement; to state the extent of their participation in the civil, military, and political activities of the land, and to try truthfully and fearlessly to record their achievements.

The society now in process of formation must, we believe, be made up of men who have the patience to search, the knowledge and wisdom to sift and discriminate, and the ability to place the results in acceptable literary form. Lastly, the character of the membership must be such that it will command the respect and attention of the community, so that its work will be accepted as having a definite historical value which can be used in general works treating the growth of the republic, by historians of a future date. This, in brief, is the project; it is ambitious, but it is worthy; it is absolutely necessary if the good name and influence of an essential but much neglected chapter in American history is to be perpetuated.

To place the Irish element in its true light in American history, to secure its correct perspective in relation to historic events on this soil, is the final aim of the new society. Its primal object will be to ascertain the facts, weigh them in relation to contemporary events, and estimate their historical value, avoiding in this process

the exaggeration and extravagance of poorly-informed writers on the one hand, and the prejudice and misrepresentation of hostile writers on the other.

The organization will be constructed on a broad and liberal plan. It will be non-political, and no religious test will be required for admission to membership, or the holding of office. Being an American organization in spirit and principle, the society will welcome to its ranks Americans of whatever race-descent who evince an interest in the special line of research for which the society is organized.

Some of the projectors belong to other historical bodies, and it was at first believed that the work for which this new society is to be formed could better be done through the medium of those bodies and without the necessity of a separate organization. Experience, however, has led to the conclusion that this is not so. Hence the resolve to form a distinct body, with its own special object, program, and mode of procedure.

There is a place for such a society in the community; its purposes are honorable and useful; and its work should begin while yet documents, records and historical material are available. We feel that such a work will be valuable not only to the Irish race, but to the American Nation also, to whose fibre this element has contributed its share.

We will be glad to have your good wishes and co-operation in the work.

The meeting for organizing the society will be held at the Revere House in Boston, Mass., on Wednesday, Jan. 20, 1897, at 6.30 P. M. Introductory to the proceedings, dinner will be served.

Very respectfully,

JOHN C. LINEHAN, State Insurance Commissioner, Concord,
N. H.

JOSEPH SMITH, Secretary, Board of Police, Lowell, Mass.

ROBERT ELLIS THOMPSON, President, Central High School,
Philadelphia, P.

JAMES JEFFREY ROCHE, Editor, *The Pilot*, Boston, Mass.

THEODORE ROOSEVELT, New York City.

THOMAS J. GARGAN, Boston, Mass.

PATRICK WALSH, Ex-U. S. Senator; publisher, *The Chronicle*,
Augusta, Ga.

- THOMAS HAMILTON MURRAY, Editor, *Daily Sun*, Lawrence, Mass.
- THOMAS A. E. WEADOCK, Member of the LII.d and of the LIII.d Congress, Detroit, Mich.
- JOHN J. PHELAN, late Secretary of State, Connecticut, Bridgeport, Conn.
- EDWARD A. HALL, Member, Connecticut Valley Historical Society, Springfield, Mass.
- HUGH J. CARROLL, late a member of the Rhode Island General Assembly; Ex-Mayor of the city of Pawtucket, R. I.
- J. D. O'CONNELL, Bureau of Statistics, Treasury Dept., Washington, D. C.
- WALTER LECKY, Redwood, Jefferson County, N. Y.
- J. W. FOGARTY, Assessors Department, City Hall, Boston, Mass.; Secretary, Charitable Irish Society (instituted 1737).
- THOMAS ADDIS EMMET, New York, N. Y.
- DENNIS HARVEY SHEAHAN, Ex-reading Clerk, Rhode Island House of Representatives, Providence, R. I.
- M. J. HARSON, Founder, Phi Kappa Sigma, Brown University, Providence, R. I.
- JAMES R. O'BEIRNE, late Brevet Brigadier General of Volunteers; Ex-Commander, U. S. Medal of Honor Legion, New York City.
- ST. CLAIR A. MULHOLLAND, Brevet Major-General of Volunteers; commanded Fourth Brigade, First Division, Second Army Corps. Philadelphia, Pa.
- REV. THOMAS J. CONATY, D.D., Rector, Catholic University, Washington, D. C.
- REV. GEORGE C. BETTS, Rector, St. James Protestant Episcopal Church, Goshen, N. Y.
- REV. GEORGE W. PEPPER, (Methodist) Cleveland, Ohio.
- REV. ANDREW MORRISSEY, C.S.C., President, University of Notre Dame, Notre Dame, Ind.
- OSBORNE HOWES, (Eighth American generation) Secretary, Board of Fire Underwriters, Boston, Mass.
- HENRY STODDARD RUGGLES, (Ninth American generation), member, Sons of the Revolution and Sons of the American Revolution, Wakefield, Mass.

HENRY G. CROWELL, (A descendant of David O'Killia, who was a settler in Plymouth as early as 1657), South Yarmouth, Mass.

RICHARD W. MEADE, Rear Admiral, U.S.N.

JOHN COCHRANE, President of the N. Y. Society of the Cincinnati, New York City.

MATTHEW CALBRAITHE BUTLER, late a Senator of the United States, Edgefield, S. C.

Issued at Boston, Mass.

Dec. 26, 1896.

Of the 30 men who signed that call, 25, and perhaps more, are dead. Colonel Linehan and T. Hamilton Murray, my devoted and beloved colleagues, passed away early, Murray after serving the Society well for years as its Secretary-General. Jeffrey Roche died as American Consul at Berne, Switzerland, in 1909; Tom Gargan died under the surgeon's knife in Berlin a year later; and both rest in Holyhood cemetery in Boston, close to their friends, John Boyle O'Reilly and Patrick A. Collins.

I believe Mr. Robert Ellis Thompson is still living; I know I am; but I can speak with certainty of no others. I saw Theodore Roosevelt in person to get his signature, at his office in Mulberry Street, New York; he was then a police commissioner. He said he was proud of his Irish blood, though it could not have been a large strain, he had so many bloods in his system; and as Governor of New York and President of the United States he was always cordial and courteous to the Society.

The call brought some 40 men together at the Revere House, Boston, on the evening of January 20th, 1897; and after the Society had been duly organized, its constitution and by-laws adopted, and the officers chosen, the gathering went to dinner. A number of those forty immortals have gone to immortality; a number remain. Charles A. DeCourcy, then a practising attorney, is today a justice of the Massachusetts Supreme Court; and George H. Moses, then the editor of the Concord, N. H., *Monitor*, now represents the State of New Hampshire in the United States Senate.

Men come and go; but the life of such a society as this is continuous, its growth constant, and its youth perennial, since it is ever being recruited from the new generations.

I rejoice that the little gathering of forty, 27 years ago, has grown into what it is today, an American-Irish Historical Society possessing a beautiful home of its own, a fine library and treasury, and rich in the number and character of its membership.

The A. I. H. Society has done good work in the past, constructive work; it has compelled attention by correcting error and perversion in American history, and by destroying much that was spurious and vicious in American annals; but much remains to do. It is not sufficient to preserve the historic achievement and truth of the past, valuable as such work is; its must be the task of safeguarding the future of the Race in America and aiding in the protection of America itself from the dangers that are in sight. The forces of organized ignorance and credulity are now threatening the peace, integrity, and institutions of the Nation; the very bases of the Republic are being jeopardized by the delusions, deceptions, perversions, and plain wickedness of the malign agencies that are assailing the principles of American light and leading and making a mockery of our common Christianity, culture and civilization.

There is a great and enduring work to be done in the coming years on this continent; and upon the courage and devotion we bring to its consummation will depend the destiny of this and other lands. This Society must do its share of that work.

There is a splendid satisfaction in remembering that the Irish race is not an imperial, a conquering, a predatory one. The wreck of no civilization, the destruction of no nation, the slaughter of no race or tribe, the desolation of no fair fields are written in the records of the past against the Irish. The things that have carried the world to nobler heights, that have built and sweetened the progress and civilization of humanity, that have buttressed the soul and broadened the vision of the earth in all the ages, have always been the gifts of the Little Peoples,—Greece, Palestine, Ireland,—which have found their greatest glory in the victories of the mind and spirit; and when the Kings and Slaughterers have filled the earth with war and woe and darkness and destruction, theirs has been the splendid task of healing the wounds of the world and leading it back into the ways of peace and the nobler conceptions of life.

As I visualize the genius of the Celt, and particularly the Irish branch of the race, and seek to catch a glimpse of the divine purpose in the human utilization of it in the affairs of man, I am per-

suaded that God has always used my people to leaven the activities of the world, using their peculiar gifts and capacities to spiritualize their fellows. The grasses and herbs and flowers, that Heaven uses to cover the harshness of nature and fertilize and beautify the earth, are carried in the seed by the winds of the world and distributed afar to take root and bring forth new beauty and fresh fertility; and this scattering of seed is the deliberate design of Omnipotence and not the mere accident of a vagrant breeze.

The Irish have been termed the Sea-divided Gael; out of the Cradle of the race, their green motherland, they have been going into an outer world from time immemorial, sent forth by an irresistible urge bearing their purposeful message; and this scattering has always been the deliberate design of a Higher Power.

The silent monuments standing in the lonely places of Ireland tell to the scientific inquirer that the Race has peopled the Island for over 5,000 years. Who they were and whence they came, no man can say; the cromlechs and altars of carven stone simply attest their presence there before Babylon was built, before the Pharaohs ruled in Egypt, before Moses led his exodus across the Red Sea, before Troy and Greece, and Tyre and Sidon were. History knows nought of these distant days of the Race; tradition is silent; and only from the vague whisperings of myth and legend can we weave a thin garment of reality to wrap around the stones that stand "Like gnomons raised by Time to count his centuries."

The Island and its mists and mysteries entered into the being of its people and into the new people that came to mingle their blood with the old; they passed on their peculiar gifts and spiritual ideals to them who finally emerged from fable and tradition into history; and these have impressed every generation of Ireland even to the present day. Ours is a great and singular heritage; something of every generation since the first is in us; and they have been given to the men of all lands, to the civilization of all ages, given in pain and toil, for we cannot if we would avoid the duty nor escape the destiny of the Celt. I write these words not as the dogma of a doctrinaire but as the expression of the faith that is in me.

After that tremendous calamity, the destruction outside of its home land of Roman power and civilization, the darkness of savagery settled over the fairest part of Europe and the peace and culture of the Empire gave way to barbarism; it was a

barbarism of primitive races, ignorant and illiterate, but virile and warlike; and a fertile soil upon which a civilization might be recreated. Into this twilight went the missionaries of Ireland, carrying the seeds of a new dispensation of culture and the arts, of learning and religion; and they kindled once more the fires of civilization upon the altars of Rome and spread the flame through Central Europe.

Such civilization as Europe has today was restored to it by the heroic evangels of Ireland; and this America of ours is the Child of that Europe, nursed back to light and leading by Ireland.

Today we are facing conditions that measurably are on all fours with those of the post-imperial Roman days. Europe is shattered and war-wrecked; the greed and blood-guiltiness of armed imperialism and militant materialism are obscuring the light of the world and it is time for the spiritual forces of the world to be up and doing. Here in American industrialism is rampant; materialism and utilitarianism threaten to submerge the spiritual forces of the Republic; false prophets are calling everywhere; the teachers of hatred, suspicion and dissension are abroad in the land; and the need for courageous leadership to lead us back up to the mountain top where God dwells and no mists obscure, was never more apparent.

The insistent duty of the coming days is to enthrone once more light and leading; and dethrone materialism and all its base and dehumanizing allies. This work calls to the men of all races, who can see and understand the peril the soul of the world is facing in this age; and this is the work that the American-Irish Historical Society, one of the leaders of our people in the attainment of the things that are more excellent and beautiful, must take up resolutely and bravely.

This is our duty; and entering upon the second era of our life, we must hearken to the call of our blood. We are still a peculiar people. The spirit of those who raised the ancient Cromlechs to the unknown gods, of those who listened to Patrick and followed him, of those who Christianized barbaric Europe, of those who carried the Cross into the furthestmost parts of the earth, still animates the race. We cannot escape it; we must obey it.

One of our own singers, Arthur O'Shaughnessy, has told the whole story of our past, and made prophecy of a future and an activity that are inescapable when writing:



TIMOTHY A. SMIDDY
HIGH COMMISSIONER IRISH FREE STATE

"We are the music makers,
We are the dreamers of dreams,
Wand'ring by lone sea-breakers
And sitting by desolate streams;—
World-losers and world-forsakers
On whom the pale moon gleams;
Yet we are the movers and shakers
Of the world forever, it seems."

Miss McDonald then sang "Killarney," and "Believe Me if All Those Endearing Young Charms."

PRESIDENT-GENERAL LENEHAN: "Professor Timothy A. Smiddy, for years Professor of Economics in the National University of Ireland, has studied at various centers of learning throughout Europe. He is the High Commissioner of the Irish Free State to Washington and the first official representative sent by the Irish Free State, or by Ireland, to this country. He is able, as no other man, to tell us at first hand of political and economic conditions in Ireland and of the prospects of peace, progress and economic growth. He is erudite, scholarly and accomplished. This is the first time he has addressed an audience in the City of New York. I am sure you will be pleased to listen to the voice of an Irish official representative, and I now ask you to let him tell us about Ireland, present and future.

PROFESSOR TIMOTHY A. SMIDDY'S SPEECH

Mr. President, Ladies and Gentlemen:

I deeply appreciate the very great honor conferred upon me by the Committee of the American Irish Historical Society in asking me to this banquet this evening, and in also asking me to address you on this very happy occasion. I appreciate it espec-

PROFESSOR TIMOTHY A. SMIDDY was born in Cork, Ireland, 1879; educated Farra Ferris Seminary, Cork, St. Sulpice at Issy-Sur-Seine, Paris, University College, Cork, graduated National University of Ireland; holds degree of M. A. with honors in philosophy; Professor of Economics, University College of Cork, Senator of National University, 1918-1922; Member of the Labor Board of Ireland; selected by the late General Michael Collins as expert Aid-de-Camp to the Irish plenipotentiaries who went to London for the Conference that resulted in the Irish Treaty; Commissioner of the Irish Free State at Washington, D. C.

ially, as this is the first occasion on which I have spoken in public in the United States, and I am somewhat fearful that some of the ideas that I am going to put before you this evening are of rather a dry character, some of them perhaps a little bit academic, so much so that I think they place me in the category of those dry after dinner speakers referred to by Mr. Smith (laughter). However, I think you are all benevolent enough to bear patiently with these remarks. They are important, inasmuch as they come right to the kernel of the present difference which is causing us so much regrettable trouble and has resulted in such tragic events in Ireland.

The words "Free State" are translated in the Irish language by the term "Saorstat." Now, when the declaration was made in 1918 by the First Dail Eireann for Ireland as a Sovereign State, the word "Saorstat" was the Irish name officially adopted as the most appropriate to express the implications of the word "Republic." "Saorstat" is the only word used since that time by successive Dails, in official documents written in the Irish language, when reference is made to the idea of a Republic. It means "Res Publica" in its original sense, emphasizing the idea of national or common weal.

Now the late Mr. Arthur Griffith (applause), when discussing with Mr. Lloyd George what name he intended or wished to give the new State of Ireland, said that he wished to give it the name "Saorstat." Mr. Lloyd George asked him what was the meaning of the word. And Mr. Griffith, to try to get as mild a translation for it as possible, said the meaning of it was "Free State." "Very well," said Mr. Lloyd George, "we already have one Free State, the Orange Free State, hence I agree to the term 'Saorstat.' "

Hence we have a continuity of the original name given by the first Dail in the Irish Free State, and we shall see that its implications have been largely realized.

I am going to refer to one of the criticisms against the Treaty and the Constitution that has caused most trouble, and unfortunately most bitterness: the fact that the name of King and Crown plays such an important part in the Treaty and the Constitution. In reality they are merely legal forms, and possess meanings quite different from the original meaning of these words. The Imperial Crown is an institution quite distinct from that of the

British Monarchy. The two institutions are blended in the one person, and therefore their fortunes are interlinked. This distinction explains the fact that while Republicanism was recently gaining in Europe and overthrowing thrones, the British Monarchy, on the other hand, seemed to have gained in prestige.

Now, an eminent writer on the subject, Mr. Duncan Hall, an Australian, who wrote a book called "The British Commonwealth," says:

"The position of the Crown as a great bond uniting a society of Free Republics is, indeed, one of the most remarkable features of modern times."

The implication of the word "Crown" is simply a bond of unity of co-equal members of a Community of Nations.

The significance of the word "Crown" as only a symbol of unity of a group of free nations was not fully realized even in the year 1917. However, it became prominent in the constitutional developments of the World Peace Conference period. In that period the Prime Ministers of the various Dominions emphasized this point, as also the sovereignty of their countries. Sir Robert Borden, in a memorandum circulated on behalf of the Dominion Prime Ministers to the British Empire Delegation, March 12, 1919, stated:

"The Crown acts on the advice of different constitutional units within the Empire."

Again, even in the space of one year, the attitude towards the Governor-General changed. The doctrine of 1918 was that of the Governor-General as Viceroy; while the doctrine of 1919 was that of the King as King of Canada, as King of South Africa, as King of Australia. The King has also acted on a number of occasions in foreign affairs, on the advice of the ministers of the dominions,—not on the advice of the Prime Ministers of Great Britain.

The Winnipeg Free Press stated in 1919 that

"The Crown occupies in the constitutions of all the confederate states virtually the same position and wields in each virtually the same prerogatives."

Another development of constitutional rights is the control by the Dominions over their foreign affairs. We have, for example, the appointment by the Crown, on the advice and responsibility

of Dominion ministers, of Dominion Plenipotentiaries to sign the Peace Treaty in the name of the Crown and on behalf of the Dominions, and the ratification of the Treaty by the Crown on the advice and responsibility of the Dominion Ministries.

The Dominions have power to make tariffs and commercial treaties, immigration agreements and conventions, to deal with merchant shipping, copyrights and shipping rights, naturalization, and the appointment of diplomatic agents. Some people have already said that the Free State is precluded by the Treaty and by the Constitution from appointing diplomatic agents. That is absolutely false. There is nothing in the Treaty and nothing in the Constitution to preclude Ireland from having diplomatic agents. It is purely a matter for arrangement between the Irish Free State and the Government of Great Britain. We already have a precedent in Canada, and it leaves no doubt in the matter. On May, 1920, Mr. Bonar Law made, in the House of Commons, the following statement:

"It has been agreed that His Majesty, on the advice of the Canadian Ministers, shall appoint a Minister Plenipotentiary who shall have charge of Canadian affairs."

Now, I must not be understood from these remarks as necessarily regarding the monarchical form of government of England as the best, and the Crown as a symbol of unity of independent groups of nations as the ideal. I wish simply to emphasize the idea of the development of sovereignty during recent years in the British Dominions; and who can state that this development is going to cease? Each development of the idea of sovereignty leads inevitably to a similar development in the others. Ireland, as a co-equal member of this Community of Nations, can exercise her influence for the development along lines to suit her own temper, and her own aspirations.

If you compare the form of treaty that Mr. De Valera was willing to accept, you will find really only a difference of words. In fact, Mr. De Valera went further in some respects towards the recognition of the British Empire in being willing formally to agree to pay a contribution to the British King as head of a group of nations; and Mr. De Valera himself never suggested that Ireland would cease to be a part of the Empire. On a memorable

occasion he was willing to accept, for instance, the Cuban status instead of a Canadian status; while, to anyone who would reflect, it is obvious that the latter gives practically a larger measure of sovereignty than the former. For instance, the Platt Amendment reduces the sovereignty of Cuba, insofar as the United States Government reserves the right to retake possession of Cuba, and all agreements with foreign countries made by Cuba must be sanctioned by the United States.

Hence, the development of sovereignty within the British Commonwealth, since the constitution, for instance, of Canada, was ratified, has been most significant; and the implication of that constitution of 1867 has been modified, and expanded, in many vital respects, by the growth of constitutional conventions. The legal power of the Imperial Crown is becoming ever more symbolic, while there has been a continued growth of constitutional rights restricting any outside interference.

Now, this treaty which was entered into between the Irish and the British Plenipotentiaries was submitted to the Second Dail Eireann in January, 1921, and was duly ratified by it. Subsequently an arrangement was effected between the late General Michael Collins (applause) and Mr. De Valera, according to which neither side would contest the seats occupied by the other side at the elections which were to take place, but any individual who wished to go forward for election was not precluded by that agreement. Well, many independent individuals went forward on their own account, especially representatives of Labor, and in nearly all cases these independent representatives got elected and voted for the maintenance of the Irish Free State; so that that election showed that the people of Ireland approved of the Treaty that was entered into between Great Britain and Ireland.

Mr. De Valera on that occasion agreed that that election should be for the twenty-six counties. Therefore, when he accepted that election, he accepted also the going out of existence of the Second Dail; and therefore it is very hard to understand why Mr. De Valera still maintains that the Second Dail has never gone out of existence and that it is at the present moment the Irish Republic.

I find it hard to pass this particular point without referring briefly to the late General Michael Collins. You all know a great deal about the late General Michael Collins as a soldier, and as a general. You know of his heroic deeds during the tragic Black and Tan

regime in Ireland. At that time he was the man that steadied the country in moments of despair; he was the man who risked his life over and over again, and risked it so often and in such circumstances that all of us believed that he had a charmed life, and would live to see the Irish Free State prosper and reap the fruits of the freedom that he gave it. But there are not many who know Mr. Collins as an administrator, as a statesman. It was in his capacity as an administrator that I came into intimate contact with the late Michael Collins, especially in the realm of finance and economics. Mr. Michael Collins, during the exciting times in which he lived, notwithstanding the difficulties he was up against, that required immediate attention, steadily kept his mind on what was going on in the country, and started to plan out economic schemes of various kinds which would be slowly realized over a long period of time. He gathered round him for that purpose the most expert Irishmen that he could get; very many of them Irishmen who had reached very distinguished positions in England and elsewhere. He gathered these men around him to advise him as to the best economic policies to adopt in the different spheres of administration. In this respect he showed a very wide vision. He was also a man of wonderful detail. Nothing was too small for his attention. He kept in touch with all the activities of the various departments; informed himself as to how each department was functioning, so much so, that every other Minister and those under each Minister were inspired by his example, and by his enthusiasm. He also had a vision that the Irish Free State, through the power it would exert in the Imperial Conference of the Dominions, and through the power which it would also exert in the United States, would be a means of promoting a real international Comity of Nations founded on ideals of justice and peace.

Now, the present Civil War in Ireland is of a very peculiar character. It is not a territorial civil war; it is more properly a politico-domestic war, where you have the brothers in one family taking different sides, fathers and sons having different views about the status of Ireland. But the consequences of the present civil war are very serious. First of all, the effects in Ireland; second, the effects in the United States. The destruction of property during the last six months in Ireland has been considerable. The claims for this destruction already have reached

close on \$100,000,000, at least. This means an increase in taxation. It also already has manifested itself in the fact that the budget is not balanced. In 1920, after paying all expenses for running the country, Ireland as a whole paid a surplus to Great Britain of \$80,000,000. That surplus at present is converted into a deficit. That deficit is caused purely by the destruction of property, and, naturally, if it continues it means that Ireland has got to meet one of these days a large National Debt.

Now, one aspect of this is that it withdraws the incentive to bring Ulster into the Free State. If we are to get Ulster into the Free State and have one United Ireland, we can succeed in doing it only by showing Ulster that it is to her economic interest. We can do this by having the taxes lower in the Irish Free State than they are in the Northeast Area, and we should have been able to do so were it not for the present civil war.

Again, the present strife weakens our ability to enforce to the utmost the clause in the Treaty for the establishment of a Boundary Commission. According to the Treaty a Boundary Commission is to be set up, which Boundary Commission is to allot certain areas in Ulster in accordance with the economic and geographical conditions of these counties. Now, the Northern Parliament has said, that it will not consent to a Boundary Commission. That is largely the result of the present strife in Ireland. Again, it is giving to Ulster a balance of power which may have serious consequences in the future. However, these unfortunate conditions will only delay Ulster's advent into the Irish Free State, because in the long run it will be to her interest economically to come in to the Free State.

For instance, the two main Ulster banks, that is, the Ulster Bank and the Belfast Bank, draw a very large part of their resources from the deposits of farmers in the south and west of Ireland. Again, these two banks have the power to issue currency, to issue notes, which notes circulate throughout the whole of Ireland. The railway that runs between Dublin and Ulster goes in and out sixteen times on the Ulster frontier. In consequence of this economic unity, Ulster will sooner or later be compelled to come in and join the Free State. (Applause.)

Already there are informal meetings between the members of the Irish Free State government and the members of the Northern Parliament. For instance, in the matter of labor questions, the

Minister of Labor of the Irish Free State and the Minister of Labor of the Northern Parliament have met and discussed and arranged certain matters dealing with labor problems.

Well, now, from time to time there will rise up committees to adjust matters of common economic interest.

Take again the banking question. Ireland has got the power, under the Treaty, to establish its own currency and banking system, and these banking questions must be discussed between the bankers of Southern Ireland and the bankers of Northern Ireland. Likewise, for many economic activities, there will be an increasing number of committees formed. They will naturally grow into one general committee that will adjust all differences of common interests, and there you have the nucleus of a common parliament for the whole of Ireland. It is to be desired that this union will come about as quickly as possible, because Ulster would be of very great assistance to the Free State. The characteristics of the Ulster men as business people are well known to us all. From the economic point of view they would help us, while at the same time we would help them in at least an equal measure.

The consequences in America of the civil war in Ireland are also very regrettable and very serious. My own experience is that the present strife in Ireland has rendered many Americans of Irish descent a bit apathetic, and a bit pessimistic about Ireland. In that respect we are losing the great advantages and moral influence that we need at this moment from their co-operation and from their action in getting to the fullest possible extent all the advantages that the Treaty with Great Britain gives us. Many of these advantages are implied in the Treaty, and they can be fructified only by putting the Irish Free State in a position of very strong bargaining power with Great Britain.

These regrettable consequences have been begotten as the result of the shadowy differences between the Treaty and the document that would be substituted for it, known as Document No. 2. But the ground of the opposition by Mr. De Valera and his followers to the Free State has now been shifted, and the emphasis is now given to the immediate realization of a Republic. At the present moment the creation of such a hope in the minds of the Irish people and their kith and kin in this country,—of those who are credulous enough through their great

zeal to see Ireland a sovereign state now,—is really only a will-o-the-wisp to lead Ireland at the present juncture to its perdition. Then why court this disaster? And if some of you think its consequences uncertain, why risk such well-founded danger when the Treaty and the Constitution put Ireland in a position to reap the advantages of time, which are inevitably on the side of the full sovereignty of the dominions, which we saw is already in process of realization?

If for instance, tomorrow the Republic in Ireland got into power, what then? They would be faced immediately with the British Government, and the British Government is not going to allow Ireland at present to form a Republic by default. It means that England will enter again into Ireland, and she will enter with a moral power she had not when she put the Black and Tans upon us. She will enter in with the concurrence of most European nations, and the protests from them will be very few.

As a matter of fact, before the truce was entered into that led to the Treaty, the condition of Ireland was very pitiful, and Ireland could not hold out against the British forces for over two months. That is the most that Ireland could have held out against Great Britain. That fact was very well known, and has been referred to quite frequently. If the idea, then, of Irish Unity is seriously desired by Mr. De Valera as an asset in obtaining, even now, a Republic, why render it impossible of attainment by force of arms against the Free State? The natural and statesmanlike course would be to adopt the constitutional one to abide by the forthcoming election, when the new register will be drawn up, giving thereby every man and woman over twenty-one years of age a vote. Here we shall have all the requirements for the real expression of the will of the people.

It is a futile and impossible condition to lay down for such an election that Great Britain should withdraw the threat of war in the event of Ireland declaring for a Republic. It is then evidently most unreasonable to lay the blame for the non-fulfillment of this requirement on the government of the Free State. The Free State has to accept the facts of the situation and cannot possibly extract such a condition from the British Government. The signatories of the Treaty have already obtained the last ounce of liberty which was possible, and which was obvious to any one who was in close touch with the Plenipotentiaries in Lon-

don. It is up to Mr. De Valera and his followers to throw their lot in with the Free State and help to secure for Ireland, to the utmost, the liberties which are expressed and implied in the Treaty and the Constitution; to avail themselves of the possibility of the development of sovereignty which is at present at work in the various dominions. And, in fact, this development consists in the abrogation of legal powers which are not exercised—more properly, legal fictions,—and in the realization of constitutional rights growing out of the economic and political conditions, and the growing consciousness among the Dominions of full national sovereignty.

“What man can set bounds to the onward march of a nation?” and say, “Thus far and no farther?”

The Irish Free State at present has many of the elements of sovereignty, and it is only a matter of time when any deficiencies that exist therein will be made up for. Hence, Mr. Cosgrave and his Government are not the aggressors in this strife, but are in a great crisis acting as the bulwark of Irish freedom and preserving the hard-fought-for liberties obtained under the Treaty.

Under the Treaty we have got full power over our finances, and our economic development. We can make commercial treaties with any countries we wish. We can put up tariffs, if we wish, against Great Britain herself. Now, this concession was one of those which the British Plenipotentiaries most reluctantly conceded. During the first weeks of the negotiations Lloyd George consented to allow Ireland to protect, by tariffs, certain industries of national importance, and consequently to enable us, or at least to allow us to put up tariffs also against goods which were imported into the country at a cheap rate in consequence of foreign exchange. Later on, about two weeks after, he withdrew the latter concession, and agreed only to have tariffs put up for certain industries of national importance. Later on, about ten days before the Treaty was signed, the British Plenipotentiaries laid down that there must be Free Trade between England and Ireland,—in other words, that we were to be deprived of the power to put up tariffs if we saw fit, against England. Well, if that power was not given to us, the Treaty, in substance, to my mind, would not be worth a great deal. However, at the last half-hour of the negotiations, early on Tuesday morning, Lloyd George waived his objections and allowed Ire-

land to have full power to put up tariffs if she so desired, against England itself.

Some of you may not have any idea of the extent to which Ireland is an exporting country and an importing country. In 1920 the exports from Ireland reached \$1,000,000,000, and the imports reached practically the same; so the total foreign trade of Ireland reached \$2,000,000,000. Now, one peculiar feature of this foreign trade is that almost ninety per cent of it is direct with England and Scotland. Therefore, we are dependent mainly for our markets on England, which is not the best possible method for the distribution of our exports. It is much more ideal, if it can be accomplished, to diversify our trade, develop our trade with other European countries, and especially to develop a trade with the United States. Our trade with the United States is not as great as it might be. It is principally on the side of exports from the United States to Ireland. For instance, last year the value of American exports to Ireland reached \$45,000,000, whereas the exports from Ireland to the United States reached somewhere about \$12,000,000. Hence, then, one of our problems will be to find many of the markets for our exports other than Great Britain.

Then the social advantages of diversified trade, the educational advantages of diversified trade, are to be considered. They bring people together; travellers will come from Ireland to America; from France to Ireland; from Ireland to France; from America to Ireland, etc., and such travellers will bring ideas of culture and ideas of scientific and other knowledge.

Now, I ask you to have patience and confidence in Ireland, and to seek to instill into the minds of those with whom you come in contact a hope for Ireland and a trust in Ireland.

Now, the present strife in Ireland is no exception to history. It is pointed to sometimes, and quite frequently, as abnormal,—that the Irish always are fighting among themselves. Well, really, a large measure of liberty in most countries has been associated with civil war or strife of some kind. The five years that followed the Treaty between Great Britain and the United States in 1783,—I think it was,—those five years were the critical five years, and the most critical five years in American history. The troubles and difficulties that arose, and the strife that you had, I think, were at least as great perhaps greater than—those that

we have at the present moment in Ireland. Then again you had a civil war, with great numbers who sacrificed themselves for the idea of federal unity. So, we are simply paying the price for our liberty at the present moment by this strife.

I take advantage of this occasion to thank the American people, and especially the officials of the various departments in Washington, for the great help that they have given us already, and for the manifestations of practical help which they intend to give us in the future. I have been in Washington, practically speaking, since last April, and I have had occasion to interview the heads of most of the departments and to investigate their methods of procedure, their methods of business and internal organization, and each and every one of them was most anxious to give practical help. They were willing to put their offices at my disposal, or at the disposal of other Irishmen who came across to study. The organization of the federal government gave us their offices, placed their staffs at our disposal, and gave us every attention and assistance at their command, gathering for us all the documents and books, so that we have a great idea of the organization of these various departments. Only last week Sir Horace Plunkett, a Senator of the Irish Free State, has carried on in the Bureau of Agriculture a most important investigation, in which he was helped to a very large extent by the Secretary of that Department, who put at his disposal a staff to enable him to make his researches.

Then, again, the present Irish Free State owes its existence largely to the American people. The financial support given to the Irish Free State by the American people, the political organizations which the American people formed to push forward the Irish cause, these were really, to my mind, conditions precedent to the possibility of an Irish Free State, and without them we could not possibly have got it. Here, again, the Irish people are beholden to the people of the United States, especially to those of Irish descent.

I ask you then to use your influence on behalf of the Irish Free State, and I ask you who do not agree with us, to reflect, study the Treaty and the Constitution, and the tendencies in the Dominions of the British Commonwealth, which are making towards full sovereignty. In any event, I ask you to preach the doctrines of constitutional methods—it does not matter what your ideas may be on the subject—to secure a dignified

opposition—if any there is to be—in this country, based upon facts and based upon arguments.

Ireland has suffered for long; many have died for her—some on the altar of abstractions. Hence, finally I pray you, by your influence to make “living for and enjoying Ireland” be the ideal to realize at present. (Applause.)

Thomas Zanslaur Lee, L.L.D., Secretary-General 1908 to 1911; President-General 1911 to 1913; Member of Executive Council since 1908 was the next speaker. His address dealt with matters of vital significance to the present and future welfare of the Society, and discussed plans for many future activities looking toward an extension of the organization's work in many directions, and an increase of its influence upon contemporary life and affairs.

Mr. Walter Byron then sang a selection from “Pagalacci,” “Turn Back, O Time! in Your Flight,” and “Acushla.”

PRESIDENT-GENERAL LENEHAN: “On behalf of the members of the Society, and for all our guests present, I extend our hearty thanks to Mr. Walter Byron, to Miss McDonald, to Master Downey and to Mr. Allen McQuhae.

I feel that I should also express the thanks of the Society to the members of the Building Committee who labored for almost a year and a half and served you well. The Society is deeply indebted to the Committee for the time and effort they gave this work. These gentlemen were Messrs. John J. Murphy, John F. O'Rourke, James A. McKenna, P. J. Brennan, Watson Vredenburg, Jr., and Thomas J. O'Reilly.

We are doubly indebted to Judge Lee for the thought and care he has given to all those things that are for our benefit and interest. I pledge myself to the work of the Society, and if you will help me I will do my best to carry out all of his recommendations.

THE TOASTMASTER: The last speaker of the evening is a gentleman well known as a scholar of brilliant attainments, a man well

versed in political economy and political history. He has written several articles which have been read before learned societies on the Monroe Doctrine, and the similarity between the Revolution in Ireland and the Revolution of the early history of the United States. He will address you tonight on "Some Irish Types in Early New York." I now introduce Mr. Thomas H. Mahony, formerly of Boston, and now of the Bar of the City of New York.

SOME IRISH TYPES IN EARLY NEW YORK.

BY THOMAS H. MAHONY.

MR. MAHONY.

Mr. President General, Ladies and Gentlemen:

In looking over the history of New York particularly the period of the so-called "Anglo-Saxon" influence, one finds that this section came into the possession of the English early in the seventeenth century, and that from then on, in every crisis, some one man stood out more prominently than his contemporaries, and that man in each instance was of the Irish race. In fact, it has been said that Peter Minuit, who in 1626 bought the Island of Manhattan for a barrel of rum, was himself of Irish extraction, and it is said, to follow a good story, that his ancestors, instead of being named

Born, Boston, February 19th, 1885.

Educated public schools of Boston, including Boston Latin School.

Attended Harvard University, Class of 1906.

Boston University Law School, Class of 1909.

Practised law in Boston 1909 to 1921.

Assistant District Attorney, Boston, 1920, 1921.

Now practising law in New York City.

Author of "Monroe Doctrine," "Similarities of American and Irish Revolution," "Ireland and Secession."



THOMAS H. MAHONY

Minuit were named Mennis and came from Ireland. And as a proof of his racial extraction the fact is cited that in 1626, when he negotiated the sale of the Island, nobody but an Irishman could have had the vision to look ahead three centuries and, with such precision, fix the relative values of the Island of Manhattan and a barrel of rum.

Historically speaking, however, within a generation after the English took possession of New York, one or two British governors had very nearly ruined the Province by their misrule, and had placed the province in such a state that the colonists were in actual fear of a French invasion from Canada. In this situation the man detailed to handle matters was Thomas Dongan, an Irishman born in Castletown, County Kildare, about 1634. He came to this country about 1683 and was the first Catholic governor of the Province of New York.

Dongan found that England, by reason of her policy of colonization, which meant evacuation by, or extermination of, the Indians, had naturally antagonized the redmen, whereas France, on the other hand, had become friendly with the Indians by reason of her system of colonization which did not include the planting of colonies, but merely the occupation of strategic points, which permitted the Indian to remain on the land. By reason of the French colonization policy and the work of the French missionaries France had obtained a powerful hold on the Indians east of the Mississippi, along the Great Lakes, and throughout Northern New York.

Dongan also discovered that the Dutch had succeeded in getting along amicably with the Indians, undoubtedly because of the fairness of their dealings.

Realizing the value of a close contact with the Indians, Dongan straightway proceeded to secure their friendship. He succeeded so well that, mainly through his efforts, Northern New York was saved from becoming a part of French Canada. Under his administration, by reason of his statesmanship and his conciliatory policy toward the Indians he succeeded in preventing any French invasion of the Province and also succeeded in negotiating an alliance between the British, and the Indian tribes composing the six Nations. Through his efforts the King of England was persuaded to recognize the members of these Six Nations as his subjects.

If you will glance at the geography of New York you will notice that the economic importance, political position, and the strategic control of New York State and New York City depend upon two river valleys,—the Hudson, including Lake Champlain, running north and south, and the Mohawk running east and west and joining the Hudson. The power which controls these two river valleys and the upper waters of these two rivers absolutely dominates the State of New York. This is by reason of the fact that the natural movement of commercial and military forces must be along these rivers. It is by reason of the flow of commerce along these two valleys, and particularly from the Great Lakes, through the Erie Canal, that gives the City of New York its great international importance. By Dongan's keeping the French out of Northern New York he effectually saved the whole state from French domination.

At the time that Dongan came here the Indians held the balance of power between the French in Canada and the English in New York. Whichever of these nations could control the Indians could control New York. As has been stated, the English had antagonized the Indians, whereas the French had made friends with them. The various Indian tribes from the Mississippi eastward were generally friendly to the French and bitterly hostile to the English.

In addition to his wonderful record with reference to the Indians, Dongan secured a place in New York's Hall of Fame for several other reasons. Having succeeded the autocratic Governor Andros, who had bitterly opposed every legislative measure tending toward popular government, Dongan, on the other hand, fostered such measures, believing in the people and in their right to rule.

So deeply founded was his belief in democracy that by reason of his support of that principle, even against the King, his dismissal as Governor was brought about in 1688.

Dongan gave the Province of New York its first popular assembly. The great seal of New York, portraying the beavers, the barrels and the windmills, symbolizing the chief sources of wealth, originated with Dongan. The idea of an inter-colonial postal system was fostered by him. The first mass for Catholics celebrated in New York was celebrated during his administration.

It is an interesting fact that the alliance between the British and the Six Indian Nations was probably the one thing which prevented France from taking Northern New York and making

it a part of Canada. Dongan, therefore, was the first man, after the beginning of the English occupation, whose influence is really felt today.

After Dongan's dismissal we again find the British governors carrying out the same old policy of colonization, and effecting the same results of Indian antagonism, so much so that within a short period of time we find that, in order to protect themselves, the British Colonists and the Colonial Governors were actually preparing for a massed attack upon the French in Canada about 1748. Again the great question was as to which side the Indians would take, and again we find that it was an Irishman who jumped into the breach—Sir William Johnson.

Johnson was born in Warrenpoint, County Down, Ireland, about 1715, being descended from the Warrens upon his mother's side, the Warrens being Irish from the 12th century on. His family name of Johnson is undoubtedly a translation of the name McShane, a branch of the great O'Neil family of Ulster. Johnson came to this country in 1735 to take care of certain large estates of his uncle—Admiral Warren of the English Navy, which estates lay in the Mohawk valley in what is now Orange County. He was a large man, over six feet in height, of massive build and with tremendous physical strength. Good-natured, witty and hospitable he soon made friends in the new territory.

For years he confined himself to his uncle's interests and established an extensive trade with the Indians. His honesty in dealing with them, his ability to speak their tongue, play their games and understand their character made him such a favorite with the Indians that the great Mohawk tribe, the fiercest then inhabiting New York, adopted him and made him one of their war chiefs. His first wife having died, about 1745, he married an Indian girl. Upon the death of his second wife he again married an Indian, Mollie Brant, sister of the great chief, Joe Brant. These Indian marriages which, perhaps, were common law marriages, were undoubtedly dictated to a large extent by Johnson's theory of statecraft.

In 1748, about the time when the colonies were planning to attack Quebec, Johnson was made Commissioner of Indian Affairs, being regarded as the one person in the country competent to handle the Indian situation. The following year the great council

of Colonial Governors and about 13 Indian chiefs was held at Albany, to prepare for the campaign.

It is related that at this conference, one of the war chiefs who had married a white woman was asked by Johnson why he had left his wife at home, and the old chief apparently knowing Johnson's matrimonial record, or knowing New York, said that he had been afraid to bring her lest she be stolen from him, as all the Indians' possessions which were worth while had already been stolen.

It is also related that this same chief, seeing a Scotch Highland costume on a soldier, insisted that he be given such a costume. Johnson secured one for him and all through the conference the old chief paraded around Albany in his tartan, kilt and sporan. Undoubtedly by reason of this fact he became a Scotch-Indian, just as most of the early Irish in this country became Scotch-Irish.

At the time of Braddock's defeat by the French and Indians, it looked as if the French and their Indian allies would overwhelm the northern and western colonies. It was Johnson, however, who succeeded in holding the Six Indian Nations to their alliance with the British and by reason of their aid held New York against the French.

After the French and Indian War Johnson succeeded in making treaties with every Indian tribe east of the Mississippi which had previously been under French control. It was his handling of the Indian situation and his saving of the colonies from French invasion that won for him his title. He was an ardent Whig and opposed Lord North's tyrannical measures which preceded the Revolution. He died in 1774, and while his son, Sir John Johnson, later became a rank Tory during the Revolution, Sir William thought and acted as an American. Undoubtedly by reason of his interests he feared the approaching break. His last utterances, however, indicate that if he had lived he would have followed Washington, and if he had been spared and had followed Washington the Tory and Indian raids, which worked such havoc in New York during the Revolution, never could have taken place.

As the Revolutionary period approached we find another Irish family springing up in New York to take up the work of Dongan and Johnson. A family that has accomplished wonders for the City and State of New York and whose record in that respect has never been equalled—the Clinton family. The Clintons

settled in Ireland in Cromwell's time and the succeeding generations of the family lived there until Charles Clinton and his wife sailed from Dublin in 1729, landed in Boston and went overland to New York. They settled in Orange County in what later became Little Britain. A son, James, was born in 1736, and another son, George, was born in 1739. The former took up fighting as an occupation and became an ensign at 21, captain at 23, colonel at 39 and a Brigadier General in the Colonial Army at 40. He married Mary DeWitt, of Dutch ancestry, whose name was made famous by a son, DeWitt Clinton, to whom I shall refer later.

James Clinton took part in the siege of Quebec under Montgomery, another Irishman, and fought in the Tory and Indian raids through Wyoming and Cherry Valley in 1778. He accompanied General Sullivan in the drive which routed the Tories and Indians.

In 1780, after the discovery of Arnold's treason, it was James Clinton whom Washington appointed to succeed Arnold in control of West Point. After the Revolution James Clinton filled many important offices. He was a member of the State Senate, a member of the Commission to revise the Constitution, a Commissioner to determine the New York and Pennsylvania boundary. He died in 1812.

"His life was principally devoted to the military service of his country, and he filled, with fidelity and honor, several distinguished civil offices.

He was an officer in the revolutionary war and war preceding, and at the close of the former a major general in the army of the United States.

He was a good man, and a sincere patriot, performing, in the most exemplary manner, all the duties of life, and he died as he had lived without fear and without reproach."

George Clinton took up law and politics and during the events which preceded the Revolution came into great prominence as the leader of the New York patriots. He was one of the people, knew their grievances, and was bitterly anti-Tory. Being a leader of the people's party in the Assembly he became a member of the Revolutionary Provisional Convention held in New York in 1775 and was elected to the Continental Congress in April of that year. He was present at and voted for the Declaration of Independence. During the Revolutionary War George Clinton

was detailed to survey the Hudson River military line from New York to Canada and to indicate the points of strategical importance for the fortification of the river line. In this work he was in close touch with Washington at all times. It was at his suggestion that West Point was fortified and made the great stronghold which it is.

During the greater part of the War he was in charge of the defences along the Hudson River. He also participated in the surrender at Yorktown.

At the convention which drafted the constitution for New York State, and through the constitution provided for a Governor and Lieutenant-governor, George Clinton, without any opposition, was elected to both positions. He kept the position of Governor of the State of New York for 21 years, a record that has not been equalled since.

It was George Clinton who conceived the idea of the great inland waterways which built up the State of New York, and while Governor, in 1792, he brought about the passage of the first legislative measure looking toward the development of these waterways. His early experience showed the possibility and the desirability of connecting Lake Champlain, Lake Ontario, Lake Oneida, the Hudson River and the Mohawk River. These waterways he actually proposed to connect. It was left, however, to his nephew, DeWitt Clinton to carry these ideas into effect.

In 1804 George Clinton was elected Vice-President of the United States, having received six votes for the presidency. He was re-elected Vice-President in 1808, dying in 1812.

DeWitt Clinton, the son of James Clinton, was born at Little Britain about 1769. After college he entered politics and became a member of the Assembly from New York City, in 1797, and ardently supported the policies of his uncle, George Clinton. In 1801 he was elected United States Senator, in 1803 he was elected Mayor of New York, which position he occupied until 1807, being re-appointed in 1808 and holding office until 1815. In 1817 he was elected Governor of the State. His great claim to fame, however, is his development of the waterways of the state. In 1810 he was appointed Commissioner of Canals to explore the inland water route from the Hudson River to Lake Ontario and Lake Erie. In spite of many obstacles and criticisms he persevered in his idea of developing this system, and in 1811 sub-

mitted a report recommending the building of a canal from the Hudson River to Lake Erie. He also devised the ways and means of financing its construction. As has been said, it is the development of this water route from the Great Lakes and its connection with the Hudson River that has given New York its great international importance.

These five men, whom I have sketched so hurriedly, form an almost continuous connection from the time of the English occupation down to the present; and without them, certainly without the five of them, New York never would have been what it is today.

I was particularly glad to hear Professor Smiddy discuss the Irish Free State tonight, because I think the mass of public opinion in this country is with it. The fact that we went through the period of colonization and dependency, and revolution, through the period of the Confederation, Constitution and Civil War, finally crystallizing in the powerful nation whose influence is felt everywhere, leads the American public to have patience, and confidence in the Irish Free State. They realize that it is but a passing phase, and that Ireland, having left the state of dependency, now passing through the state of inter-dependency, is destined to emerge into the position of complete independence. And I would say to Professor Smiddy that he may rest assured that Americans, thinking Americans, will give the Irish Free State every opportunity to demonstrate its worth, realizing and appreciating that it is but one step in the onward march to complete independence.

PRESIDENT-GENERAL LENEHAN: "I desire to thank you all for the patient attention you have given to the speakers, and I want to thank the Dinner Committee, each and every one, for the fine entertainment they provided for us, and their care and trouble to make this banquet a success.

Historical Papers



WILLIAM STEWART BENSON
REAR ADMIRAL U. S. NAVY

THE MERCHANT MARINE

BY

REAR ADMIRAL WILLIAM S. BENSON, U. S. N.

History reveals that sea power has always played an important, if not a controlling, part in the development and expansion of great nations. When the world's ancient civilizations were centered within a limited area of the globe, empires waxed and waned without reference to their relative strength on the seas; but when the centres of life and activity developed in distant countries, and communication depended largely on transit by sea, then the contest for power was largely transferred to the sea.

The attitude and spirit of the English people as to sea power as early as the latter part of the Seventeenth Century is shown by this quotation from a publication of that period: "As concerning ships, they are our weapons, they are our ornaments, our strength, our pleasures, our defense, our profit. By them, in a manner, we live, the Kingdom is, the King reigneth."

WILLIAM SHEPHERD BENSON, Rear Admiral U. S. N.—Born Macon, Ga., September 25, 1855. Father a graduate of Randolph-Macon College, Cotton Planter; Mother: Catherine Brewer, who received the first college degree conferred on a woman in America, in 1840. His grandmother was a Miss Jappie of New York, of Irish family. In 1872 Admiral Benson entered the Naval Academy from which he graduated in 1877. After this assigned to various ships, "Hartford," "U. S. S. Constitution" (Old Ironsides) then a training ship, "Alliance" and in 1884 transferred to "Yantic" and made the famous Greeley Relief Cruise in the Arctic, going as far north as Littleton Island. Served with Naval Advisory Board, Boston and with the Branch Hydrographic Office at Baltimore, instructor of Naval Academy: In 1903 Executive of U. S. S. "Iowa," Commander in 1905; Lighthouse Inspector of Sixth Naval District; 1907 Commandant of Midshipmen, U. S. Naval Academy; Chief of Staff Pacific Fleet until February 1910. After this Commanded largest naval vessel; Commandant of Navy Yard. In 1915 appointed Chief of Naval Operations: Technical Head of United States Navy, controlling and directing all of the naval forces at home and abroad during world war. November, 1917, appointed member of Special Commission to consult with representatives of allied governments, returning in December. Again ordered abroad in October 1918; representative U. S. Government drawing up Naval terms of Armistice. Naval Advisor to President and Peace Mission and represented United States to draw up Naval terms Peace Treaty. Returned to Washington June, 1919. Was Chief of Naval Operations all the time while in Paris or abroad; retired in September 25,

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Twenty years after this England's merchant fleet had more than 3200 ships, measuring 261,000 tons, representing an increase of 300 in thirty years. And through the succeeding century expansion was much more marked, until, in 1790, the British merchant fleet totalled nearly a million tons.

The economic aspect of shipping was also grasped by the American colonists at an early date. They recognized that great loss of profit resulted to the country, if not to the shippers, in paying foreign ships to transport cargoes to Europe. "But," says Mr. William L. Marvin, in his book on "The American Merchant Marine," "in the early part of the Eighteenth Century, an American ship, large or small, was a sort of Ishmael of the ocean. It had a flag, but nothing else. There was no government to protect it, no Consuls to guard its interests in the alien ports which it entered, no battle-ships to shield with rows of shotted guns. English, French and Dutch traders in the East were sheltered by a recognized nationality and an active naval force, but the American mariners had nothing to depend on but their own cool courage, their breadth of canvas and the swiftness of their heels."

1919. Appointed Feb., 1920 Commissioner United States Shipping Board; elected Chairman and President United States Shipping Board Emergency Fleet Corporation in March, 1920. Appointed by the President as one of the American Delegates to the International Conference on Communications, latter part 1920. Served as Chairman U. S. Shipping Board until June, 1921. Reappointed as Commissioner of Shipping Board for one year term at expiration of which in June 1922, re-appointed for a term of six years.

HONORS.

Received medal and vote of thanks from State of New Mexico; Distinguished service medal from the President; Distinguished Service Medal from Secretary of War; Gold Sword from United Daughters of the Confederacy; Laetare Medal, Notre Dame; Grand Cross of the Order of St. Michael and St. George from British Government; Grand Cross of the Legion of Honor from the French Government; Order of the Rising Sun from Japanese Government; Order of St. Gregory the Great from Pope Benedict XV, honorary degrees various colleges.

CLUBS, ORGANIZATIONS, ETC.

President, National Council of Catholic Men; Vice President Cardinal Gibbons' Memorial Institute; Member of Board of Governors, Catholic Church Extension Society; Member Advisory Board, Trinity College, Member Knights of Columbus Historical Commission.

Member Knights of Columbus; Elks Club, Army and Navy Club; New York Yacht Club; Catholic Club of New York; Catholic Country Club.

The importance of a merchant marine as a factor in the nation's defense was demonstrated during the Revolutionary War, for the Colonies were, of course, entirely lacking proper naval forces for the struggle. Yet they captured more than 3000 British ships during the years of the fight for independence. However, the injury inflicted upon our commerce by British cruisers was equally great, and at the close of the war the American merchant marine was in a very depleted condition. Notwithstanding this, and the general depression prevailing, the more courageous owners immediately dispatched vessels to the China coast; and, in 1789, the "Columbia" gained the honor of being the first vessel under the American flag to make a round-the-world voyage. She went by the Cape Horn route, and as far as north the river to which was given her name.

Thomas Jefferson, when Secretary of State in 1793, adopted a policy of discrimination in favor of American shipping, the beneficial effect of which was immediate, an increase in a single decade from a merchant marine of 123,893 tons to one of 667,107 tons, being noted. From carrying 17 per cent of our imports and 30 per cent of our exports in 1789 in our own ships, twenty years later we were carrying 90 and 80 per cent, respectively. In harmony with the Act of March 3, 1815, which abolished discriminating duties in certain cases of direct foreign trade, the Treaty of Commerce and Navigation between the United States and Great Britain was concluded in July of the same year. By virtue of this treaty, which is still in force, not only may the nationals of of the two countries reside in the respective territories, but also "the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, and shall have liberty freely and securely to come with their ships and cargoes to all such places, ports and rivers to which other foreigners are permitted to come."

Yet discriminations to the prejudice of American shipping occurred, and still occur, in various forms and in several countries. A "foreign tax" was recently imposed by Peru on the West Coast Company, operating United States Shipping Board vessels along the western coast of South America. The Company paid the assessment under protest, and then submitted a statement of earnings, showing that the tax should be much less than the one thousand pounds assessed; but the application for a rebate was

denied. In another instance an agreement between British steamers operating in the West Indies trade repaid deferred rebates on all shipments to Europe to shippers who would agree to send their shipments bound to the United States in British steamers. This policy made it practically impossible for vessels of the United States to obtain cargoes. A somewhat similar situation existed at Lourenco Marques, in East Africa. And the Pacific Steamship Company lost 29,000 tons of prospective cargo at Kobe, Japan, because of threats made against shippers by the Nippon Yusen Kaisha. Thus obstacles, quite apart from the usual elements of competition, themselves favorable to foreign competing vessels, confront the upbuilding of our merchant marine.

Commerce of the new American Republic promptly appeared in British ports with the close of the Revolution. The first vessel to fly the Stars and Stripes in the United Kingdom was a Nantucket whaler, bringing 500 barrels of oil. It was a whaler, too, which displayed our flag for the first time in the harbor of Callao. Fifty years later the whaling fleet of the United States numbered more than 700 vessels, aggregating 233,000 tons, and valued at \$21,000,000. Seal fishers also brought American skippers into early touch with hitherto unfamiliar shores, and the reward of both industries was in most cases large until about the middle of the last century. Since then whaling, at least, has rapidly declined, until now it is quite negligible as an activity of our merchant marine.

The ascendancy of American shipping in the first half of the Nineteenth Century was very marked, and in 1836 the documented tonnage in foreign commerce was 753,094. On the New York-Liverpool line alone there were about twenty ships, with an aggregate tonnage of 14,000. And the spirit of that day was such that the introduction of any new service was heartily welcomed; for it was recognized that a new line, even on an established route, would not be a detriment to the old service.

But with the introduction of steam the tide turned in favor of British shipping. And with the advent of iron, and later of steel; hulls, the superior industrial plants of England gave that country a great advantage over our rather crude establishments. It was during the days of sail that we were supreme, with reference to which a British historian wrote, "thirty years ago one of the great

objects of interest in the Liverpool docks was the American sailing packet, and it was considered that a stranger had missed one of the lions of the port who had not visited these celebrated ships. On the Atlantic and Pacific oceans, and in all the best trades, American ships were most in demand."

Mr. Marvin says, concerning the sailing ships: "In the golden days of the Atlantic packet service there were sailing out of New York, the Black Ball Line; the Swallowtail Line, of Grinnel, Minton & Co.; the Dramatic Line, of E. K. Collins, with vessels named for the famous actors of the day; The Red Star, the Williams, the Guion, and many more. There were several lines to London, and to Havre, a Philadelphia-Liverpool, and a Boston-Liverpool route. Yards along the East River and several in New England produced these high-class packets. Against them, sailed as they were with vigor and exactness and safety, Europe could not compete;—and so long as trans-Atlantic service was a matter of sheer seamanship America held undisputed mastery. The Western Ocean, with its vast range of heaving waters, its fierce gales and its bitter cold, has always been the most important field of maritime adventure. Supremacy there has ever been the coveted prize of sea-faring nations. And year after year, during the era of wood and canvas, in the days of wooden ships and iron men, "the advantages of the United States were overwhelming."

The far-famed clippers appeared about the middle of the last century. The development of the steam vessel was a great incentive to more speed in sail, and the discovery of gold in California was a greater. The need of supplies on the west coast was so extreme that the ship of high speed commanded values in freight space wholly unrelated to the cost of the vessel or of its operation.

Mr. John R. Spears says: "The most interesting period in the history of the American Merchant Marine is the clippership era. The story has been told over and over, but its interest never lags. And yet while those ships were sweeping the seas, and lying in ports where their captains walked the piers in suits of lustrous China silks while the newspapers of Europe and America were printing the details of wonderful passages, the seafaring people of the United States were living in a fool's paradise. The work that was to drive the American flag from the principal trade routes of the seas had been begun; but, so far as the record shows, our seafaring people failed utterly to comprehend its significance."

Mr. Spear calls attention to the fact that the speed records of these ships were not due alone to their racing lines and their great spread of sail, but just as much to the fact that "our seamen were the most ambitious and the most efficient sailors of sail that the world has ever seen. Studding-sails were spread to the zephyrs when the ship crossed the equator, and they were yet seen in place while she sailed with trade winds so strong that ships from Europe, close-hauled, were reefed down to the caps. Indeed, all sail was often carried when ordinary ships were seen reefed down, on the same course. As Clark Russell notes, in one of his novels, the skipper of a ship from Europe, as he paced the deck with anxious eyes upon his shortened canvas, fearing that it would be blown out of the bolt-ropes, very often saw a tiny speck upon the horizon, watched it grow into a splendid ship, 'with every rag set,' saw her fling the Stars and Stripes to the gale as she went roaring by, and then, with indescribable feelings, gazed after her as she disappeared in the mists far down the lee. The record Western Ocean run of all time for sail was made in 1860 by Captain Samuel Samuels, in the ship "Dreadnaught, "which crossed in nine days and seventeen hours!"

But long before this the progress of American shipping had been giving England great concern, as witness a committee report in the House of Commons: "The Committee cannot conclude its labor without calling attention to the fact that the ships of the United States of America, frequenting the ports of England, are stated by several witnesses to be superior to those of similar size and class amongst the ships of Great Britain, the commanders and officers being generally considered to be more competent as seamen and navigators, and more uniformly persons of education, than the commanders and officers of British ships of a similar size and class, trading from England to America. The seamen of the United States are considered to be more carefully selected and more efficient, and American ships sailing from Liverpool to New York have preference over English ships sailing to the same port, both as to freight and as to rate of insurance. Higher wages being given, their whole equipment is maintained in a higher state of perfection, so that fewer losses occur; and American shipping has increased of late years in the proportion of fourteen and three quarters percent per annum, while the British shipping has increased within the same period one and one-half percent."

But in 1840 England began to build iron ships, whose success restored the prestige of English yards. Much opposition was at first encountered, the chief objection being the surprisingly childlike insistence that iron could not be expected to float, a criticism revealing, of course, total ignorance of the most elemental principles, and of the fact that the law of floating bodies requires only the displacement of an amount of water equal in weight to that of the bulk floating upon the surface.

With the success of her iron ships another item contributing to England's ascendancy was her superior capacity for building marine engines. The earliest type was the single cylinder reciprocating. A second, then third, and sometimes fourth, cylinder was then added, and later the turbine developed.

In 1841 there opened the era of subsidized trans-Atlantic lines. The first was the famous Cunard company, organized by a merchant of Nova Scotia. It was subsidized to an extent of three thousand, two hundred and ninety-five pounds per voyage, which was subsequently increased to a flat rate of eighty-one thousand pounds a year; in return for which a fortnightly service was to be maintained between Liverpool and Boston, by way of Halifax. The first sailing was on July 4, 1841. Not long afterwards the British government also subsidized the Royal Mail Steam Packet Company, two hundred and forty thousand pounds a year, to maintain a service between the United Kingdom and the West Indies, together with southern ports of the United States. The vessels under these subsidized contracts were to be built with special reference to their usefulness in time of war, and to be capable of carrying guns of the largest calibre then extant. So that this further illustrates that the interest of a government in the development of a merchant marine has in view, almost invariably, the value of vessels of commerce to the nation when at war.

This policy of Great Britain was a matter of concern to the United States, especially as naval officers were carried on these ships, with the result that they learned to navigate American waters. The outcome was the passage of the Act of March 3, 1845, under which two trans-Atlantic lines were inaugurated. On one of them a ship made the crossing in nine days and twenty hours, a speed which, at that time, greatly taxed the safety of ship and passengers. Nor were such voyages financially profit-

able, because of the wear and tear entailed by the excessive speed. Including the subsidy then granted, total receipts averaged but about \$48,000 per voyage, while expenditures were about \$68,000. And finally one of the ships, the "Arctic," having collided with a French vessel, foundered in mid-ocean, with a loss of 307 lives. Not long afterward the "Pacific," of the same line, sailed on a voyage, and was never afterward heard of. The insurance, aggregating a million and a quarter of dollars, was promptly paid by the British companies, but the United States government failed to renew the subsidy contract, and the lines collapsed.

In 1789 the first American Congress passed tonnage and tariff laws which provided ample protection to the American Merchant Marine in its competition with foreign vessels, not only with respect to preferential tariff rates, but also by imposing on foreign vessels higher tonnage duties and port charges generally. Subsequent acts continued these preferential duties, but with the tariff of 1846 our government's policy seems to have changed. The Act of August 5, 1861, however, restated the policy of discriminating duties, and provided for them. But the Civil War negated any constructive value which otherwise might have accrued to the merchant marine; for the ocean was soon swept by the cruisers and privateers of the Confederate government.

The discriminating duty policy was, however, reasserted with full vigor in the tariff acts of 1883, 1890 and 1894. Each provided for a duty of ten percent additional on all articles not imported in vessels of the United States, and the language used is the exact language of the Act of June, 1864, providing for the ten percent discriminating duties. And in 1897, in an Act to "provide revenue for the Government, and to encourage the industries of the United States." a discriminating duty of "ten percent ad valorem, is imposed on all goods which shall be imported in vessels not of the United States, or which, being the production of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country." The tariff act of August 5, 1909, continued this policy, and the Underwood Tariff Act preserved it intact.

It is obvious that the policy of discriminating duties is not and never has been a party question. It has appeared in tariffs enacted both by Democrats and Republicans. But the provisions in the laws as recited do not mean that discrimination has, as a

matter of fact, ever been applied. The provisions are not applicable to vessels of countries having treaties or reciprocal working agreements with the United States, under the Act of March 3, 1915. It was stated by Mr. Dingley, at the time of the enactment of the Dingley Tariff, that the principal reason for retaining such provisions in the tariff laws, was to have a weapon of defense and offense against any treaty nation which should endeavor to evade its treaty. Yet the presence of these provisions has considerable value as preserving in our legislation a substantially unbroken sentiment of Congress, at different periods, that the principle of discriminating duties in favor of American vessels is a vital principle, to be used when necessary for our national protection through the upbuilding of our merchant marine.

In line with the historic attitude of Congress as thus revealed, the Merchant Marine Act of 1920, section 34, in order to give full force and effect to the present tariff law providing for discriminating duties, expressly declares it to be the policy and judgment of Congress that "all articles or provisions in treaties or conventions to which the United States is a party, which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States, should be terminated."

Not content with this statement of policy, the same section of the Act expressly authorizes and directs the President, within ninety days after the Act becomes law, to give to the several governments interested, the notice required by the treaties or conventions, that so much of any such treaty or convention as imposes any restriction on the United States to impose discriminating customs duties and tonnage dues, shall end on the expiration of the periods required for such notice. This provision of the Merchant Marine Act of 1920 has never been put into effect, and it is significant that the refusal to do so has also proved not to be a party question, in that both President Wilson and President Harding refused to give the notice required by the Act to foreign governments.

The principle of discriminating duties as a means of government aid to national shipping is, of course, clearly to be distinguished

from the principle of ship subsidies, or compensation. With discriminating duties existing the owner of the vessels receives no payment from the government; the benefit which accrues to him arises from the fact that the importing merchant insists upon his cargo being brought under the American flag, in order that he, the merchant, may get the benefit of the lower tariff. The benefit to the vessel accrues from increased patronage.

The principle of ship subsidies as compensation to vessels engaged in foreign trade involves direct payment from the government treasury to the owner of the vessels. Such subsidies have taken several forms. Among these are navigation bounties, consisting of the payment of stated sums for the number of miles travelled; voyage bounties, providing for definite payments per voyage, or for a stated number of trips per year. Such subsidies are usually in the form of postal subvention contracts. Great Britain adopted this as a policy in 1837, France; in 1851 and Germany in 1886, by her assistance to the North German Lloyd.

The direct financial aid that the United States has heretofore granted to merchant shipping has been by mail subventions to lines successfully competing for the privilege of carrying the foreign mails on specific routes in foreign trade. This policy was applied as early as 1845, when an act authorized the Postmaster General to contract with vessels of the United States for periods of not more than ten years, for the transportation of mails between ports of the United States and any foreign ports, and between various ports along the coast of the United States. The aid under this act consisted of a liberal payment per voyage, and it required the vessels to be American-owned. This policy of aiding the merchant marine in such manner was abandoned in 1858, the government having expended during the ten-year period, for all services under the act, the sum of \$14,400,000.

The second period of aid through mail contracts extended from 1864 to 1877. It was based on the Act of May 28, 1864, and provided for a monthly service between New York and Rio Janeiro, the United States paying \$150,000 per annum, and Brazil paying \$100,000. The vessels were required to be first-class American-built steamers, constructed under the supervision of the Navy Department, and being subject to requisition in time of war. The third period of mail subventions began in 1891, and the Act providing for it is still in force. It authorizes contracts, for

periods of five to ten years, with American citizens, for carrying mails between the United States and foreign countries, except Canada, on vessels to be operated from ports equitably distributed along the Atlantic, Gulf and Pacific coasts. The vessels must be American-built and of the latest and most approved types, owned and officered by American citizens, with crews at least 25 percent American citizens during the first two years of the contract; 33 $\frac{1}{3}$ percent during the next three years; and 50 percent for the rest of the term.

The total payments up to 1922 by the United States under all contracts have amounted to about \$970,000 per year, but the policy has not had the desired and expected result of restoring the prestige of American shipping, especially in the trans-Atlantic trade. That the compensation provided was not excessive for the services rendered is reflected in the fact that the contracts made with the Pacific Mail in 1892 were discontinued within two years at the request of the contractors. Other contracts were annulled in like manner.

Doubtless the high-water mark of mail subventions is found in the contract made in 1903, between the British Government and the Cunard company, for the construction and operation of the *Mauretania* and *Lusitania*, the former of which is still operating under this agreement. Great Britain loaned to the Cunard company more than twelve and a half millions of dollars, at the low interest of two and three-quarters percent, for the construction of the two ships. There was also granted a yearly mail and admiralty subvention of more than a million dollars. Other concessions were made, the net result of which was a gift of these two vessels to the Cunard company, besides a further grant of nearly five millions of dollars toward their operating expenses. Such generosity reflects the attitude and spirit of certain foreign governments in their determination to maintain a merchant marine of the highest standard.

In the bill known as the Merchant Marine Act, of 1922, which was introduced at the instance of the United States Shipping Board, two provisions for indirect aid to our shipping were especially prominent. One was intended to encourage exporters and importers to use American ships, by permitting them to deduct from income tax a sum equal to five percent of all ocean freight money paid by them to American vessels carrying goods

to or from foreign countries. Such a measure, if enacted, would certainly result in a great increase in cargoes for American vessels. The other provision was that one-half of the immigration to this country must be transported in American ships, unless adequate shipping facilities to meet such a requirement did not exist. This provision was based on the fact that the fundamental principle controlling direct trade with foreign nations is that such direct trade should be shared equally by the two nations involved, a principle which applies with equal force to the transportation of immigrants.

Several causes combine to make government aid to American vessels quite necessary in their competition with foreign shipping. This competition is, of course, limited to foreign trade, as foreign vessels are not permitted to engage in our coastwise or domestic trade. The first of these causes is the higher cost of construction of a vessel built in an American yard. This higher cost is necessarily reflected in the shipping business, and through the life of the vessel, inasmuch as the annual expense of its operation is made up, not only of the out-of-pocket items in its actual operation, but also the items of insurance, interest, and depreciation. Even when the advantage of a loan from the government at a low rate of interest has been obtained, the fact remains that interest must be paid on an investment exceeding what would have been required if the vessel had been constructed in a foreign shipyard.

These three items, interest, depreciation and insurance, can be conservatively computed at fifteen percent of the cost of the vessel. Hence, if the American vessel has cost \$100,000 in excess of a foreign vessel of like type and size, the American operator is burdened with an annual charge of \$15,000 in excess of the annual charges of his foreign competitor owning a similar ship. And another important item which prevents the successful competition of the American vessel with the foreigner is made up of the higher wages paid the seamen, the better fare allowed him, and his superior fore-castle accommodations.

The principle of the Seamen's Act is commendable, for it seeks to secure to the workman proper protection when he is on the high seas. But this does not alter the fact that the vessel subject to these additional burdens is greatly prejudiced in competition in foreign trade with vessels of other nations whose laws do not require the high standards which have been laid down by our

Congress. It is obvious that the burden of these humane laws should not necessarily be cast wholly upon the trade or craft, but but should be borne by the people as a whole. The simple proposition is that the American people desire American seamen to be kept on a high level; and the American people as a whole should bear the burden of the higher cost. This is especially true when it is remembered that one of the main purposes of having a merchant marine is for the national defense in time of war.

The provision of the latest bill to be brought before Congress was that a vessel of 22 knots speed, or over, but less than 23 knots, should receive 2.3 cents per gross ton for each one hundred miles, a rate substantially less than previous bills, notwithstanding the present higher cost of operating. Certain other indirect aids were also contemplated. Successive Congresses have persistently considered measures to aid American shipping; and in 1907 President Roosevelt sent a message urging such legislation, and calling attention to the fact that, since the United States could not afford to have the wages and manner of life of its seamen cut down, the only alternative was to offset the added expenses by giving aid to the ship itself.

After the entrance of the United States into the World War, additions were made to the available fleet by seizing 97 enemy vessels; by commandeering 87 Dutch vessels then in American waters; and by requisitioning all private American vessels of 2500, or over, if adapted to ocean service; and by chartering and purchasing vessels from foreign countries. Before the close of the war the Shipping Board had thus requisitioned or purchased 599 United States vessels, including the best in the coastwise service.

To more effectively bring the vessels acquired under the direct operation of the government, the Shipping Board, in April, 1917, created the Emergency Fleet Corporation, with a capital of \$50,000,000, the stock having always been owned by the United States government. The Corporation engaged in what was probably the greatest construction task ever attempted by a single organization. When America entered the war there existed 42 shipyards, with 154 ways, for steel ships; and 23 yards, with 102 ways, for wooden vessels, counting only those yards having ways for at least one vessel of 300 or more tons. In order to procure ships it was necessary, therefore, to expand existing yards and to build new ones; and on November 1, 1918, 198 yards had contracts for

the construction of ships for the Corporation. These yards had a total of 1,083 ways, completed, or in construction.

Immediately after the signing of the armistice construction activities were curtailed as rapidly as possible, but in the eight months following the cessation of warfare, 3,192,833 deadweight tons of shipping were delivered to the Corporation; and on June 30, 1919, the tonnage under control of the Shipping Board consisted, approximately, of 961 vessels, with an aggregate of 5,346,939 deadweight tons. A year later the Board owned 1,574 ships, with a total deadweight tonnage of 9,358,421. And in another twelve months, when the programme of construction had been completed, this number had increased to 1,740 vessels, exclusive of 52 tugs, aggregating 11,323,668 tons.

The Board played an important part in the transportation of troops to Europe, carrying, from May, 1917, to November 1, 1918, 888,687 troops, or more than 43 percent of the total American Expeditionary Forces. British ships carried 1,059,258, or 53.9 percent, French ships 44,311, or 2.2 percent, and Italian ships 4,667, or .2 percent of the total number. American ships brought back 86 percent. Vessels under control of the Shipping Board during and after the war retained their character of merchantmen and carried civilian crews.

With the release of tonnage from war work, vessels were assigned to the principal trade routes at once, and services established on which the American flag had previously been almost unknown. On June 20, 1920, there had been established 209 general cargo berths; and in another year the number of services had been practically doubled. The effect of the ship-building programme upon American shipping is shown in the increased share of the United States in the transport of our ocean-borne foreign commerce. In 1914 commodities to the value of \$368,359,756 were carried in American vessels, representing 9.7 percent of our water-borne foreign trade. For the fiscal year ending June 30, 1920, this percentage had increased to 42.7 percent. And in spite of some reaction the value of the products now carried annually in United States vessels exceeds the total value of our water-borne foreign trade in 1914, including that part of it carried that year in foreign vessels.

The limitation of naval armaments has greatly increased, for a possible war period, the importance of a merchant marine in-

cluding large, swift, and efficiently-equipped vessels. To their value as transports, merchantmen have now acquired potential military value of great significance. Whether private capital of our citizens can be made profitable in the investment of merchant vessels operated in foreign trade is largely a question of fact not difficult of demonstration. The difficulty met by private operators under the American flag arises, not only from the fact that our laws impose conditions, both with reference to the structural arrangements of the vessels and to the class of seamen to be employed, but also from the fact that excessive labor costs, compared with foreign-built vessels, create a capital charge which has a material bearing on the annual cost of operation, because a correspondingly larger sum has to be deducted from earnings to meet interest on the investment, a proper deduction for depreciation, and premiums for insurance.

The necessity for government aid, then, arises largely from the higher standard prescribed by our laws and our customs for the workmen engaged in the construction of the vessel, and by all who have to do with its operation. Whether the aid is given in the form of a direct subsidy, or by the enjoyment of preferential privileges is not material. The important thing is that American vessels should be put in a position successfully to compete in foreign trade with foreign vessels.

ANTHRACITE DEVELOPMENT AND RAILWAY PROGRESS

BY

WILLIAM HENRY WILLIAMS

Chairman, Board of Directors of the Wabash Railway Co.

The history of The Delaware and Hudson Company began in the anthracite region of Pennsylvania when the first twigs of a prehistoric forest pushed upward in the dank atmosphere of the Carboniferous age. It might be traced through strange eons while Nature seemed in extravagant warfare with itself, alternately creating a land of amazing faunal and floral fecundity, and then supplying vast volcanic forces to destroy the abundant life that had arisen, and sterile seas to sweep every vestige of vitality from a submerged land.

Yet nothing was lost. Nature wastes nothing. When seemingly most extravagant and reckless, if man could but compre-

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hend her methods, she is merely practicing a vaster economy and a more time-searching conservation. Today and here, at least, we are able to read, indelibly written on the profound pages of the Lackawanna and Wyoming valleys, the truth, that during a myriad of generations, as humanity must measure time, when seemingly bent only on destruction, Nature was creating and storing for humankind her wondrous gift of coal.

Coal was to The Delaware and Hudson Company, and its railway, as cause to effect. It was that, also, to that earliest locomotive of which we boast, and to the steam engine, in which every locomotive had its genesis. The first uses of the inventions of Newcomen and Watt were in pumping English coal mines. And *railed* roads were known to the mining practice of Newcastle-on-Tyne for two hundred years before the first common carrier *railroad* came into being with the opening of the Stockton and Darlington on September 27, 1825. Regular use of locomotives in English colliery practice antedated the Rainhill competition by not less than seventeen years. Precisely as the railway, the steam engine and the locomotive were developed as incidents of English colliery practice, just so The Delaware and Hudson's railway system was evolved to enable the mining and marketing of the "black stones" or "stone coal" or "anthracite" of this region. It is a romantic and fascinating story.

Men knew something of the fuel content of northeastern Pennsylvania long before the wisest suspected its value. The American Indians appear to have known that it would burn and occasionally to have resorted to its use as early as the year 1710, but there is no record of similar knowledge on the part of any white man until fifty-two years later. Discoveries of coal at different dates seem to have been made in the Wyoming, Lehigh and Schuylkill regions. The first recorded is that of Parshall Terry and a group of Connecticut settlers in the Wyoming Valley, who found anthracite on the banks of the Susquehanna river near the site of Wilkes-Barre. Four years later, James Tilghman, of Philadelphia, reported finding what is probably the same bed of coal and a small sample was sent to William Penn, then in London, with the modestly prophetic remark that—

"This bed of coal, situated as it is on the side of the river, may some day or other be a thing of great value."

The existence of anthracite at Carbondale became known in 1799. These discoveries received little attention and few among those to whom they became known suspected their significance. The region was remote, rugged, inaccessible and wild. Roads were few and so poor, where they existed at all, that they would now be regarded as impassable. Its rivers were torrential and were not navigable except after costly improvements.

Moreover, it was doubted whether anthracite could successfully be burned for any fuel use. It actually had been used at the Government arsenal at Carlisle, in aid of the manufacture of arms for Revolutionary soldiers; for in 1776, two Durham boats which had been sent to Wyoming were loaded with coal at Mill Creek, a few miles below the mouth of the Lackawanna river, and floated down the Susquehanna to Harrisburg, where the coal was unloaded and conveyed in wagons to the arsenal. This is the first recorded shipment and the first known industrial use. It made little impression for, in 1800, William Morris was unable to sell a wagonload which he had taken to Philadelphia.

In 1808 Judge Jesse Fell, who "kept tavern" in Wilkes-Barre, and was in other respects a man of standing and enterprise, burned anthracite successfully in a grate. He wrote that he had succeeded in burning "the common stone coal of the valley" in a grate, in a common fireplace, and had found that it would serve as fuel, making a clearer and better fire at less cost than wood.

In 1812, Colonel Shoemaker, of Pottsville, hauled nine wagonloads of anthracite to Philadelphia, and could sell only two, giving the balance away. He narrowly escaped arrest, on the charge of attempting to sell for fuel something entirely worthless. His enterprise cost at the rate of about \$28.00 per ton, but was an important step in obtaining recognition of the fuel value of anthracite, principally because a wagonload was sold to White and Hazard, who operated a wire-works at the Falls of the Schuylkill. A whole night was consumed in efforts to make the coal burn and, in final despair, the workmen abandoned the endeavor but chanced to leave the door of the furnace shut. Fortunately, one workman forgot his jacket and, returning to recover it, found an excellent fire and the furnace red-hot.

During this year, the war of 1812, interrupting trade between Virginia and Liverpool, cut off the normal supply of charcoal and brought about very high prices; so that men who knew

the properties of anthracite undertook to push its use as a substitute. It was probably under this stimulus that William Wurts, whose enterprise led ultimately to the organization of The Delaware and Hudson Company, then a progressive merchant of Philadelphia, began to acquire coal lands. He was attracted to the Carbondale region and finally obtained a large acreage. William and his brother Maurice Wurts, opened mines and sent their first arklod to Philadelphia in 1815. This shipment was hauled to the Lackawaxen river in wagons, at a cost of \$2.50 per ton, and there loaded in arks in which it was floated to the Delaware river and onward to Philadelphia. Clark's history of the Wyoming Valley repeats an interesting comment, made in 1849, from an almost contemporary source, upon the efforts of these brothers:

"The building of the Pacific Railroad will not compare in any acceptable sense to the early efforts of these two hardy men in forest undertaking to reach the civilized world with a commodity that carried with it prejudice instead of favor. They hardly knew rest for body, soul, strength and mind. They slept in the woods; fared like barbarians; were beset with natural obstacles; were devoid of capital sufficient to see the way ahead of them; were ridiculed as adventurers; were persecuted by their neighbors; were hindered by malicious falsehoods and were traduced by rivals until their sublime mastery commanded respect."

Between 1812 and 1822, the Wurts brothers acquired coal lands sufficient for their purposes, but their efforts to market this product in Philadelphia met with nothing but failure and disappointment. Their last attempt to sell in that market was during the later year. Abandoning it, then, to their competitors in the nearer Lehigh region, they turned to New York, a potential market in which anthracite was as yet totally unknown. By 1820 the region now known as Greater New York had a population of 152,056, more than twice that of Philadelphia, but there were no direct routes of communication with the anthracite fields, and no local demand for anthracite existed. In order to sell coal in this metropolitan market, it was necessary again to demonstrate its utility and to

create practicable means of transportation. Attention was immediately given to both necessities.

By 1822 plans had matured for a transportation system to consist of a gravity railroad, a series of inclined planes operated by rope haulage, and a connecting canal to the Hudson river. Early in 1823 Pennsylvania conferred authority to improve the navigation of the Lackawaxen and Delaware rivers and one hundred years ago, New York granted its legislative charter to "The President, Managers and Company of The Delaware and Hudson Canal Company," whom it endowed with power to construct a canal connecting the waters of the Delaware and Hudson rivers. In 1824 Pennsylvania authorized the New York corporation to purchase the interests of Maurice Wurts.

The active minds in this enterprise were attracted by English progress in the development of the steam locomotive and resolved to experiment with locomotive traction at Honesdale. Accordingly, locomotives were ordered from England, one of which is commonly known as the "Stourbridge Lion." This imported locomotive was given a trial steaming on its arrival at New York, using anthracite as its fuel. The especial significance of this to the people of New York was not as the first exhibition of a steam locomotive on the American continent, but that it demonstrated the existence of a previously unrecognized fuel and a step in obtaining a local supply. This is emphasized by the report contained in the "Morning Courier and New York Enquirer," of June 12, 1829, which said:

".....pleased as we were, however, with the engine, we were much more pleased by the practical demonstration offered of the importance and usefulness of the coal which the Company proposes to bring to market. It is now reduced to a certainty that the Lackawaxen coal will generate steam in sufficient quantities to answer all the purposes to which it is applied, and this fact is not only of great importance to the Company, but it is worth millions to our State."

The "Stourbridge Lion" was sent to Honesdale and ran its trial trip there on August 8, 1829. It was the first locomotive placed on any track outside of England, and the first that ever turned a wheel anywhere on the Western Hemisphere.

This first locomotive was not imported for passenger or general freight service, but solely to assist in transporting and marketing anthracite. This product was worthless in Pennsylvania hills and valleys until some efficient way to get it to market had come into practical existence.

The first load of canal-borne coal reached New York City on December 10, 1828, but four years earlier, in anticipatory efforts to create a market, the company had contrived to have a boat-load delivered in that city. The problem of marketing was always imminent in the eyes of these, our predecessors, and from it there never has been and never will be any escape.

On May 20, 1829, the Board of Managers authorized the President to have cooking apparatus installed in the banking house, in order to show that the company's coal could be burned therein. During the next year they investigated the Boston market; sent samples to Providence and even shipped several hogsheads containing anthracite to New Orleans. In 1831 it was arranged to furnish the Ulster Iron Company with coal for experimentation in steam production and the steamboat "Experiment" with enough for a trip to Newburgh and return. During the same year coal was supplied for the steamboat "Victory" and for the use of the Walnut Street ferry boat, and employment was given to Nathan Smith "to introduce the use of coal in manufactories and all establishments using steam engines," and to R. Spencer "for introducing the use of coal to blacksmiths, etc."

Efforts to extend the use by boats continued and, in 1836, anthracite was first used for a round trip to Albany. On June 23 of that year, the "Novelty," with the Managers of this company and distinguished guests, left her wharf at six in the morning and arrived at Albany twelve hours later, the first steamboat propelled by anthracite to achieve that voyage. In 1848 experiments were made in the use of anthracite in the manufacture of salt at Syracuse and Salina, and upon the results of these experiments an expenditure of \$10,000 to promote the adoption of this fuel was authorized. In 1868 the company began forwarding coal down the Susquehanna to Baltimore, along the lines of road connecting Wilkes-Barre with Jersey City, and it was noted that during the following year they anticipated entering "the great and rapidly-developing market of the west."

With developing markets there came great changes in preparation for market. The earliest uses were principally, if not wholly, in iron works and in steam production. Large chunks were best adapted to these purposes and the output was then designated as "lump" coal. Later, there came to be a separation into two sizes, named in accordance with their chief uses; "steamer lump," and "furnace lump." For domestic use a smaller size was demanded. It became necessary, therefore, to break some of the larger sizes and to develop a size known as "grate" or "broken." Later, with improvements in appliances for domestic heating and cooking, there came to be a market for still smaller sizes, known as "egg" and "stove." These constituted for many years practically the only marketable sizes, and to save the cost of bringing to the surface a great weight of the smaller and unmerchantable sizes, each miner was provided with a rake, the prongs of which were two to three inches apart, and told to leave in the "gob" all the coal which would pass through these prongs. Such rakes were in use until about the year 1880.

Moreover, the material taken to the surface became, to a considerable extent, crushed during preparation and sizing, producing more unmarketably small coal which had to be treated as refuse and dumped, with rock and slate, in the culm banks. It was not through carelessness or willingness to waste any marketable coal that these small sizes accumulated in the mines and in the old culm banks, but the disposition made of them was one of the necessities of the day.

From time to time, progress in the use of anthracite has brought, one by one, the smaller sizes into use. Even coal dust can now be used in sintering plants and in briquetting and it may not be long before there is a market for every particle of combustible material that can be mined. The first market, that for furnace lump, which was used mainly in blast furnaces for making pig iron, has been completely supplanted by the use of coke, a cheaper product, and although anthracite *could* still be used in making pig iron, that market has permanently disappeared.

The problems of marketing are not ended. As the oldest are surmounted, others arise, and some are perennial. Although anthracite is now sold from New Brunswick, in Canada, to the Potomac river, and westward to Duluth, St. Paul and Denver, it enjoys no monopoly in any market. Its relative freedom

from dust and dirt and its smokeless character, give it an advantage over bituminous coal, in all domestic uses and in cities where smoke is objectionable; but, save in those communities in which the use of smoke-producing fuels is forbidden by effective public authority, this advantage would not overcome a materially greater difference in price than that necessarily resulting from present mining conditions. In certain markets there is no advantage over natural gas or oil, and elsewhere by-product coke can be sold at prices which constitute effective competition.

Anthracite is nowhere a necessity of life in the sense that actual suffering would result if it ceased to be marketed and sold. Even for domestic use, purchasers will pay only a well-defined margin over the price of bituminous coal. The smaller, or steam sizes, are never sold, save in competition with bituminous coal or coke or fuel oil, or all of them, and this rivalry is simply a matter of dollars and cents of price. The user of anthracite for steam purposes must be convinced that its cost, measured by its efficiency, is no greater than that of the substitutes, the only exception being where smoke is effectively prohibited and the use of anthracite thereby becomes compulsory. Such ordinances, however, are man-made, and protect even these limited markets only while the cost of cleanliness is reasonable.

It should always be borne in mind that if production of anthracite should wholly cease, it would be easily possible, under present conditions, to mine and produce in this country enough bituminous coal to substitute that fuel in every place and every use to which anthracite is now being put: that this could be accomplished, without opening a single new bituminous mine, by simply working nearer to capacity and more regularly those which now exist.

Progress in mining practice and in the preparation of anthracite for market would in themselves furnish material for an extended address. The elimination of impurities was for years accomplished by hand picking; later, automatic, mechanical appliances were devised, and these are still in process of improvement. All such devices depend upon the difference between the specific gravity of slate and of coal. Hand-picking was first supplemented by inclined chutes with gaps over which coal would jump, but through which slate would drop owing to its inferior momentum. While these methods were used, the coal was usually handled in a dry state, resulting in a great deal of

dust. The next important step in automatic cleaning was the adoption of the "jig" by which coal, sprinkled and made wet on entering the breaker, thus settling the dust, is agitated while immersed in water and the slate sinks to the bottom while the coal is recovered at the top. Other inventions are claimed to advance the art of separation. These immerse the material to be separated in mixtures of sand and water, kept at such a consistency that the line of separation between slate and coal becomes very sharply defined. Experiments have not reached a point at which it is possible finally to determine whether they can be substituted for the jigs, but great hopes are entertained.

The problems of mining are administrative and mechanical. Fifty years ago the racial elements represented in the mines were English, Scotch, Welsh and Irish. A few Welsh and Irish remain, but for many years recruiting has been from the southern or southeastern races of Europe and now not less than thirty-four dialects are recognized among the mine workers.

Relations between employes and employers have been fixed by processes in which negotiation and agreement have been intermixed with superimposed authority, so that it is difficult to define the limits of either. The great constructive work of the Anthracite Coal Strike Commission, appointed by President Roosevelt, in 1902, continues to be the ground work of these relations, but there have been great advances in wages and material reductions in the hours of labor. And there is now practical recognition of the union known as the United Mine Workers of America which was in specific terms declared by that Commission to be undesirable. A short strike in 1912, and the strike of last year, which was only one day shorter than the strike of 1902, have been the only general interruptions to the orderly conduct of the industry since the award of twenty years ago. Local strikes, principally "button" strikes, which are for the purpose of forcing every mine worker to belong to the union and to pay dues to its treasury, are of frequent occurrence in the experience of every operator, although they are in flagrant violation of the agreement, in contractual form, to which the Mine Workers' Union is a party.

Collective bargaining, and contractual relations resulting from such bargaining, can never be fully effective, in the sight of either party, until both recognize such contracts as having the exact status of other contracts relating to business, and their

legal and moral obligations are fully respected on all sides. Consumers who have adjusted themselves to a regular supply of anthracite, and whose comfort is measurably dependent upon the continuance of such supply, cannot have that full protection which they are entitled to ask, until great combinations of labor are charged with the same public responsibility and obligations which attach to other combinations in trade and industry.

Although the literature of mine-engineering is extensive, there is nothing in print in this country, and very little in England, which could enlighten the miner as to the methods by which he could attain maximum earnings by increasing the efficiency of his work at the face. Practical inquiry resulted in assigning instructors, in the actual work of mining, to the ten or twelve employes in each operation whose earning were least. This effort has been continued long enough to show that by instruction thus given, the average earnings of a group of miners thus selected, can be increased \$1.00 to \$1.25 per day. This instruction covers the proper placement of the hole, the angle, depth and size to be drilled, the character and quantity of explosives to be used, the method of tamping, etc.

Progress in mechanical methods has reached the point at which, by means of undercutting machines and electrically-operated scraper lines, coal can be taken from veins of 24 to 28 inches thick, without the removal of either the top or bottom rock. This, and the application of scientific methods to second mining, is resulting in a conservation of this great natural resource which would have seemed utterly impracticable twenty years ago.

Some of the mechanical measurements are startling.

This company elevates to the surface fourteen tons of water for each ton of coal that is prepared and sent to market from its mines. The mine tracks, under ground, in its collieries, have a combined length of 650 miles, or more than two-thirds the length of the great railway system that has been developed as an incident to the marketing of the coal. Each miner is a shipper, who must have several mine cars delivered one at a time during the day, and 20,000 of these cars have been loaded and unloaded in one working day.

Anthracite is recovered from ten to twelve superimposed beds at a single operation, each bed extending over an area of from eight to ten square miles, making a total of from eighty to one

hundred-twenty square miles for one colliery operation. Owing to the greater depth of anthracite mines and the complicated and costly apparatus required in the preparation of hard coal, the present cost of a new operation, capable of an annual output of one million tons, is about \$8,500,000, for the anthracite region; while in the bituminous fields the average cost of a plant capable of similar output would be approximately \$2,500,000.

The foresight and courageous efforts of William and Maurice Wurts have led to results that their aspirations can never have included; the magnitude of which they can never have anticipated. Beyond the lands and mines and breakers in this anthracite region, these results include the ownership, through the corporation which they created, of a railway system extending far into Canada with incidental properties and interests of diverse character and of immense value. The benefits to multitudes who have never become associated as participants in the enterprise they inaugurated, are immeasurable. Their work has contributed very largely to the upbuilding of the great cities of the Lackawanna and Wyoming valleys and to the prosperity of the Commonwealth of Pennsylvania. Even outside of the anthracite region and outside of this Commonwealth, their activities laid the foundation for trade and have extended the civilizing influences of commerce. They, and their associates, were doubtless far in advance of the great majority of their contemporaries, but even they built better than they knew; and if they could return they would marvel at the tremendous and far-flung consequences of their enterprise.



ZENAS W. BLISS

THE PRESENT AND FUTURE OF CORPORATE TAXATION.

BY ZENAS W. BLISS, former Lieut. Governor of Rhode Island and Chairman of the Rhode Island Tax Commission. (Member of the Society.)

Some two hundred and eighty-five years ago the distinguished founder of my native state wrote a letter to a friend in England, and after expatiating upon the glories of the new country and commenting upon the success achieved in a lively experiment, "that a flourishing civil state may stand and best be maintained with full liberty in religious concerns," said, among other things, that there were no tithes or taxes, and that they had forgotten what excises were.

If this distinguished gentleman were to return (to Rhode Island) at the present time I would be perfectly willing to impart to him the information, confidentially of course, that things had changed very considerably in regard to taxation since he wrote his historic letter. He would doubtless be no less surprised at the manner in which, and the things for which, the public revenues are expended than at the amount so expended; and while he would detect extravagance readily enough in some directions, being a great statesman he would immediately realize that a very substantial part of the great progress made since his day was directly attributable to the judicious expenditure of the public revenues.

I am far from advocating public extravagance, but it should be borne in mind that merely to refrain from expenditure is not

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necessarily economy, and that low taxes and small public expenditures in themselves do not mean much. I am aware that there is probably no great or immediate danger of reducing public expenditures below the point necessary for proper expansion and improvement. It is well, nevertheless, to keep this fact in mind; that whether our expenditures are extravagant, niggardly or well balanced, the necessity for providing the funds to meet them is imperative. Sooner or later public expenditures must be met by taxation. The amount we should pay will vary in direct proportion to expenditures, and therefore public expenditures as well as taxation demand our attention and constructive criticism if tax payments are to be kept at the proper level.

The great majority of tax payers are accustomed, very naturally, to consider the subject of taxation from the personal standpoint, and seldom give much, if any, thought or consideration to the other side of the question. I ask you to consider with me the subject from the opposite standpoint, that of the taxing authority.

A distinguished gentleman, twice President of these United States, once remarked, with reference to a matter of revenue, that we were confronted by a condition, not a theory. The taxing authority is seldom so fortunate; it is usually confronted by both, and those upon whom falls the responsibility of drafting legislation to provide revenues are in still worse plight, for they are not only faced by condition and theory but also may have to deal with legislative bodies unduly sensitive to irresponsible popular clamor and quite responsive to what seems for the moment political expediency. In general they will receive little outside help and much opposition, no matter how sincere their efforts and pure their motives. The formulation of a tax law is one of the most arduous and difficult tasks which can be imposed, and none should attempt it, or be allowed to attempt it, who has not had wide political experience, and considerable familiarity with public financing. A sound and comprehensive knowledge of economics and the history of taxation is also quite necessary. It is hardly to be expected that all of these qualities will be readily found in one man, but it is not very difficult to combine them in the personnel of a board or committee, and dealing with such matters through boards or committees is usually the most convenient as well as the most satisfactory method. It may seem that I am fixing a very high standard of requirement; but

the difficulty, the intricacy and the highly technical character of the work to be done must be appreciated. We require legal training and experience of those who hold positions in the attorney general's department, medical and surgical training and experience of officers in departments of public health. Our educational departments are protected by most rigid requirements and their officers must have highly specialized training; what requirements do we demand of, or even what opportunity for special training do we afford, the tax departments? Yet we impose upon such departments one of the most important as well as the most difficult of our present problems.

It is barely possible, although I rather hesitate to say so, that up to very recent times, when the tax burden became noticeable, we have not paid very much attention to this important branch of the public service. Our social and economic development has been very rapid, and is now so complex that all of our problems have become more intricate and difficult, and will continue to demand for their solution more time and energy than we have been in the habit of bestowing upon them. Much more attention to civic duties is now required from all of us than we have been accustomed to render. It is no longer safe to neglect, or even regard these duties lightly.

The first and most important step in the direction of improvements in our systems of raising revenue by taxation and otherwise is to demand and to obtain for tax officials at least as high a degree of special training and experience as are required of officials in other departments of similar importance. This will not, of course, relieve entirely the legislative situation, but it will tend to improve it very much, and if our tax departments are made up of able and conscientious men they will gradually become recognized as authorities and their advice followed on technical matters much as the recommendations of the health, law, engineering and some other departments are now followed.

The legislative body, in the last analysis, is the determining factor, and all the advice of highly-trained experts, and all the results of special investigating committees, and commissions will be of no avail if not enacted into law. It is often necessary to concede something to prejudice, to political expediency, or to the strength of one or another faction; and it frequently happens that it becomes not a question of what is the best thing

to do, but what is the best thing you can get done under the circumstances. We must often be satisfied with the best system we can get rather than with the best one we could devise. It is necessary, therefore, to pay some attention to the election of competent legislators as well as tax officials, if improvement is to be made and good results perpetuated.

There is a very general criticism of, and objection to, many of our tax laws, on the ground that they are too complicated, that the ordinary individual cannot understand them, and that after one has done his best to comply with them he often finds that he has not been successful, and is subjected to annoyance and further expense. There is considerable reason for this attitude, and I think substantial improvement is possible; but we must bear in mind that each tax-payer is but a part of a very highly-developed and complicated economic system, and that tax laws necessarily must be formulated to reach a whole class, or even a number of classes, of taxpayers widely distributed and often operating under very different conditions. Such diversified conditions require generalizations, working on a basis of averages; and nicely adjusted modifications, operating under certain circumstances, must be introduced, to compensate in some degree for the different conditions under which the law must be applied. It is apparent that simplicity under such conditions is impossible, and I am quite safe in saying that as the operation of such tax laws approaches an equitable distribution of the tax burden it recedes from simplicity. Equity and simplicity in taxation under modern conditions are not compatible. A tax law simple enough to be readily understood by the average taxpayer would either fail to produce sufficient revenue or result in a distribution of the tax burden so inequitable that it would cause serious economic disturbance generally, if not disaster to those who happened to be directly affected by it. The solution is, as is usually the case, to be found in a compromise. Something of simplicity and ease of administration must be sacrificed to equity of distribution, or *vice versa*.

Among the greatest difficulties in the way of proper adjustments along the lines just referred to are the limitations imposed by certain state constitutions which prevent classification for the purpose of *ad valorem* property taxation and progressive rates on incomes.

It is a mistake, in my opinion, to make so positive a distinction for purposes of taxation between the incomes from, and property used in, business conducted by individual, co-partnerships, trusts and corporations. There should in this regard be but two classes of income and property recognized, income from business however conducted, and individual income; and property used in business and property owned by individuals not used in business. Exceptions within each class readily occur, and modifications to care for these are of course desirable and possible, and should be made; but there is no good reason, for example, why businesses, identical in practically all respects except organization, should be taxed by different methods. Along this line equity and simplicity go hand in hand. If it is deemed wise or expedient to impose a heavier tax on one or another business operation because of some advantage which it happens to have, either from natural causes or special privilege, this should be compensated for by some form of special license or franchise tax rather than to undertake to make of it an exception under some general provision.

The demand for revenue is now so great, and will continue to be so for such a considerable time, that it will be impossible to avoid, what seems to us at least, a very heavy burden of taxation. Our only relief lies in an equitable distribution of the taxes.

Up to within a very few years we knew little of taxation as compared with European countries. The amounts taken by taxation were so small, actually and comparatively, that taxes could be avoided or shifted onto the careless or unwary without any very great harm resulting. That situation no longer exists. An unscientific distribution of the very considerable burden we now have to carry will be sure to have bad effects on business and individuals alike, through a disturbance of our economic equilibrium. I am quite well aware that taxation is not the only possible disturbing factor. There are numerous others very likely, at least, to exert a disturbing influence, but this makes the need all the more urgent that the effects in this regard from taxation be minimized so far as possible, if they cannot be eliminated altogether. It is necessary that a broad-minded attitude, perhaps even a rather generous attitude, be maintained in dealing with the situation, if the best results are to be obtained. Any other attitude is fraught with grave possibilities.

There is a marked tendency on the part of legislative bodies to avoid the taxation of property that is widely distributed, probably because a large number of voters are expected to be pleased by their escape. I am not inclined to favor the idea or the principle involved, and my experience leads me to think that a tax on a large, widely-distributed base, at a low rate, is to be desired, both as a revenue-producing measure, and as a matter of public policy. Direct taxes are advantageous, in that the taxpayer is made aware of the fact that he is paying for at least a part of what he gets; if carried too far, however; that is, if not augmented by indirect taxes of various sorts, they will result in a clamor for a reduction in public expenditures. This clamor, if heeded, as it probably would be, would reduce expenditures to a point below that required for properly conducting the affairs of the city, state or nation. On the other hand too much indirect, as compared with direct, taxation tends to extravagance. There should be a proper balance maintained between these two methods, and both should be relieved at times by borrowing.

Chief Justice Marshall in his oft-quoted decision, in the case of *Marbury against Madison*, said, that the power to tax was the power to destroy. This statement has been misinterpreted by some to mean that not only was the power to tax the power to destroy, but also that the main object of taxation was destruction or regulation.

My experience in this regard may be peculiar, but I have been much surprised at the number of taxpayers who consider their taxes as a sort of penalty exacted for enterprise and success, or intended to operate as a limiting or restraining influence in some more or less sinister manner, so as ultimately to result in the destruction of their business or property. This, of course, is not the case; the principal, in fact, the real object of taxation should be revenue. It is employed at times, however, for regularity purposes or to accomplish sociological results, in which case the revenue obtained is incidental; and also as a sort of adjunct to the police power without any regard to the production of revenue. That it operates often very successfully in these respects is not to be denied; but generally speaking I am not inclined to favor taxation for such purposes unless the purpose is frankly stated and generally understood.

There is another attitude assumed by many, almost as illogical as that just mentioned; and that is the assumption on the part of the taxpayer that the payment is in the nature of a voluntary contribution, that it should not be very strictly defined by law, but should be governed to a very considerable degree by mere volition. Their attitude is usually exposed by their saying that they would pay, or be willing to pay, so much, refusing or neglecting to recognize the legal obligation to comply with the statutes; feeling bound apparently only by a sort of moral obligation or generous impulse, the result of which would usually, though not always, be a payment considerably less than that exacted by the law.

Any system of taxation, if the rates are high enough; that is, if the payments exacted are large enough, will have economic and sociological effects that may not have been intended, and these easily may be very undesirable. In this regard it may be well to add that our present demand for revenue is so great that unless a comparatively large number of different taxes are levied upon different bases we shall be quite sure to impose such heavy burdens on the restricted bases as to cause social and economic results that will be at least disturbing, and bring about conditions not desired or even anticipated.

It is quite easy to over work almost any tax; that is, require it to provide more revenue than it should; the extreme is, of course, confiscation. The remedy for this, to a considerable extent at least, is a diversified system comprising a number of bases taxed at low rates. This leads to complications, and may increase the difficulties of administration, but the distribution of the burden will be more equitable and the number of taxpayers increased, advantages which in my opinion far outweigh objections.

It is quite possible to bring about the economic and sociological results above referred to when the same property is taxed by several jurisdictions, each desiring revenue only and no sociological effects, and each limiting its tax-rate or exacting payments small enough to avoid the undesired or bad results; but when the rates or payments exacted, not excessive singly, are superimposed, the undesired or bad results are sure to follow. A case in point is the inheritance or estates tax imposed by the several states and the federal government. It is not the avowed intention of either the

federal or state government to limit the acquisition or control the distribution of wealth; or to interfere, except incidentally, with the continuity of business enterprises; but the rates imposed by certain states, when augmented by those of the federal government, require payments so large in the aggregate that results are obtained that were not anticipated by either taxing jurisdiction. The attempts by states to distribute by different methods the intangible property of concerns doing an interstate or international business often bring about similar results, because of over-taxation in some instances, or the entire escape from taxation of large amounts of property in others. These defects, of course, should be remedied; in the first case by the abandonment of the tax by the federal government, and in the second by interstate comity. I am rather of the opinion that the remedy in either case will not be applied very promptly. Nevertheless I think a great improvement will result if and when they are applied.

One of the most difficult phases of the problem of modern taxation is presented by the great corporations carrying on an interstate or international business. There is not much difficulty in handling the situation as regards physical property, as a perfectly definite situs for taxation is usually determinable with comparative ease. One or another jurisdiction may take more or less in taxes on such property because of different methods or rates; and this may be somewhat annoying to the taxpayer, and sometimes may cause considerable trouble. But no great difficulty is presented so far as the taxing authority is concerned.

When, however, attempts are made to distribute intangible property and income it is quite a different matter. The difficulties are so great and so numerous that I can barely touch upon them. Various methods of apportionment have been tried and all seem to have quite definite limitations; combinations of several methods also have been attempted and these, while by no means giving entirely satisfactory results, tend to approach an average, and work on the whole rather better than the simpler methods.

Many large concerns carry large reserves in investment securities. These reserves in the strict legal interpretation are not used in the business; and recent decisions seem to indicate that they cannot be distributed for purposes of taxation throughout the several taxing jurisdictions in which the concern does business, but have a situs for taxation only in the State of incorporation, or

where the central or principal place of business is located. The decisions seem to tend towards a rather strict interpretation of tax laws in this regard, with the apparent intention of preventing double taxation of this class of property because of the different methods of taxation employed by the several states. If all states used the same method of distribution no harm would be done, because each state would receive a perfectly definite proportional part and the sum of the parts would equal the whole. But when different methods are used, as is attempted at present, the sum of the parts may be greater than the whole. The injustice is so perfectly plain that the laws are either promptly repealed or the courts upset them, and some other method is tried or the attempt abandoned. I am, of course, but just touching upon this matter in the most cursory manner. But I will venture to suggest that the solution of the difficulty is probably in co-operation between the business concerns and the taxing authorities of the several states.

Considerable efforts have been made within recent years by tax officials throughout the country to bring about interstate comity in taxation. If such efforts were heartily encouraged by co-operation and moral support on the part of business concerns doing an interstate business, I am, for one, quite hopeful that very substantial good results would be obtained. They could not be immediately brought about. It will require time, patience and considerable hard work, but I believe that along this line lies the best chance for devising a method which will provide the state with the revenue to which it is entitled from the class of property referred to, and result in a sufficiently equitable distribution of the tax to be borne without harm by the taxpayers. Accounting would be simplified, and much of the present annoyance resulting from the necessity of complying or attempting to comply with a considerable number of different laws and systems at the same time would be avoided.

I do not mean, of course, to confine co-operation within the narrow limits just referred to. It is capable of much wider development, and I strongly recommend it. By co-operation with prospective tax payers in the formulation of tax legislation most satisfactory results, within my own experience, have been obtained; and not the least was ease in administering the law, due to a thorough understanding of the situation before the bill became a

law, and the mutual confidence resulting from fair dealing on both sides.

It is well recognized and generally conceded that those who control the taxing power will naturally and very strongly tend towards the formulation of a system of taxation which will place the greater part of the burden on somebody else; and as in this country the electorate, which comprises substantially the whole adult population, has ultimately such control, it is not surprising that there is a tendency to select rather restricted classes of property and individuals for heavy taxation. Corporations generally and public utilities particularly are examples in point. This tendency is extremely difficult to control, and in fact can be regulated only by very carefully presenting the facts in such form as to be easily understood by, and in such manner as to gain the confidence of, the general public. This, from my experience, is not by any means an easy matter under favorable circumstances and under conditions as they exist at present, with the large number of loose thinkers and careless talkers bombarding all sorts of meetings with false statements and unsound theories, many times advanced with sinister motives or to divert attention from the real objects sought, is difficult indeed. The very difficulty of the task makes an intelligent effort to accomplish it all the more imperative. I am quite well aware of the difficulties presented by the situation; but I am still hopeful that a great deal can be accomplished if this method of public enlightenment and appeal be persistently and intelligently pursued.

The dissemination of sound economic theories and considerable amounts of statistical information among a large number of voters will require time, great patience and energy, and a considerable degree of ability. But I do not think it will require much more of the qualities enumerated to furnish accurate information and sound teachings than has been required to mislead, as they doubtless have been, a very large number of people. Pamphlets, circulars, reports and such things have of course great value in a campaign of education such as I have very briefly indicated, but direct contact by speakers must be relied upon for the most effective part of the work.

If this task seems hopeless it will be well for a moment to turn to our early political history and consider what was done towards founding a great and successful nation by a few men of energy,

wisdom, and integrity of character and purpose. Certainly it cannot be more difficult to inculcate sound economic theories now than it was to convince the people generally of the soundness of certain political theories then. The fact of the matter is that we have neglected our opportunity, which was in reality our duty, to keep the general public, the man on the street, properly informed in matters of taxation and public expenditures. Our great and rapid progress in so many directions has made it difficult for even the thoughtful and highly-trained to keep pace with the march of events. It should not be lost sight of in this regard that great numbers of immigrants have flocked to our shores, many with strange notions concerning our form of government and the nature of our civilization; usually ignorant of our history and sometimes not in entire accord with our traditions. With very slight efforts to properly instruct these, and with even less effort to keep alive a proper spirit in the native born, is it at all strange that the composite judgment of our electorate should be somewhat at fault when dealing with the great and intricate problems of taxation and public finance which have so recently confronted us?

My general conclusions are; that simplicity in matters of taxation, as the term is usually understood, is neither to be expected, nor is it to be desired; but that a balance must be struck between simplicity, ease of administration and equity in the distribution of the burden; that the subject of taxation necessarily has become so complex, because of our highly-developed industrial, commercial and social life, that it cannot be adequately treated except by means of laws drawn with such care and nice distinctions that study and special training are necessary to understand them readily and interpret them correctly; that improvements in system and administration will come somewhat gradually through education of the general public and a realization by it of the relation between taxation and public expenditures; through careful and painstaking attention to civic duties on the part of the tax-payers in municipal, state and national affairs; through co-operation of tax-payers and tax officials generally, having particularly in mind interstate comity; and through the establishment of friendly relations between tax-payers and tax authorities, based upon mutual confidence and the mutual desire to attain a common object—the practicable equitable distribution of the tax burden.

LAWRENCE KEARNY-1789-1868

BY EDWARD F. MCSWEENEY, LL.D.

The purpose of the American Irish Historical Society is "to make better known the Irish Chapter in American History," and therefore the story is told of Lawrence Kearny, what he was, and did, as the United States Naval officer in full charge of the interests of the United States in Chinese waters during a time of supreme importance as judged by present day needs, commercial and diplomatic, and his participation in one of the outstanding events of the last century. In his introduction to Dr. Bau's book "The Open Door Doctrine in Relation to China," recently published by the Knights of Columbus Historical Commission, Dr. Tyler Dennett, an authority on Oriental diplomacy, says "The Chinese text of the Treaty of Nankin would appear to indicate that the elementary principle of the Open Door in China was first defined not by Sir Henry Pottinger; not by Secretary of State Hay but by the Chinese Commissioner, in August, 1842."

Lawrence Kearny, representing the United States in China in 1842, is entitled to full credit for his patriotic foresight and his prudent but brave services in connection with these events,

EDWARD F. MCSWEENEY, Chairman Knights of Columbus Historical Commission. Born in Marlboro, Mass., April 12, 1864. As a boy worked in a shoe shop, becoming national president of the union of his branch of the craft and editor of its paper at the age of 21. Served as Assistant United States Commissioner of Immigration and Executive Officer at Ellis Island in the decade of immigration between 1893 and 1902. Member of various commissions to investigate specific problems arising out of the immigration question; Editor-in-Chief of the *Boston Traveler*, 1904-10; Chairman of the Board of Trustees of the Boston Consumptive Hospital for ten years; a member of the two Massachusetts' Commissions on the Cost of Living, 1910-17. Assisted in organizing and bringing into successful operation the Massachusetts Industrial Accident Board, one of the first State Boards charged with the interpretation of the Workmen's Compensation Law, 1912-14. Chairman of the Directors of the Port of Boston, 1914-16; Boston University School of Business Administration, lecturer on transportation, 1917-18. Course of lectures on Americanization at Catholic Summer School of America at Cliff Haven, 1920. Author of a number of treatises and essays on various aspects of Immigration, Cost of Living, Public Health and Transportation. also "America First," "De-Americanizing Young America," "The Attack on America," "Catholic Americanism: in Catholic Builders of the Nation," Introduction to the Racial Contribution Series of the Knights of Columbus Historical Commission, etc., etc.

which previously have not been fully appreciated and but meagrely acknowledged.

Lawrence Kearny was the son of Michael Kearny, grandson of Phillip Kearny and of John Lawrence of the ship "Chesapeake," great-grandson of Michael Kearny and his first wife, who was a daughter of Elizabeth Brittin,¹ who had come to America from Ireland and resided in Monmouth County, N. J., where grandfather Michael Kearny married Sarah, daughter of Governor Lewis Morris, and purchased land and built a residence in Perth Amboy.² There Lawrence Kearny was born on the 30th of November, 1789 and there he died November 29, 1868, in the paternal homestead in which he had been born.³

¹ "Although his first wife seems to have been a Catholic—her father, Lionell Brittin, having been the first convert (1708) to Catholicism in Pennsylvania—and that the Cork branch of the Kearny family was Catholic, the name of Michael Kearny appears as Warden of St. Peter's Protestant Episcopal Church at Perth Amboy from 1727–1729 and as a Vestryman from 1723 to 1733."

Ancestry of Major General Philip Kearny — M. J. O'Brien. *Journal A. I. H. S.*, Vol. XI, 1911–12, pp. 163–164.

² "We learn from D'Alton that after the battle of the Boyne, the lands of James Kearny, in the Barony of Muskerry, were forfeited to the Crown, and that "Before the court of Claims, Anstace Kearny, as widow of Edmund Kearny, sought dower rights of these lands, but, her petitions were dismissed.' Two of the sons of Edmund and Anstace Kearny, Philip and Michael came to Philadelphia, while their cousins Edmund and Michael Kearny, followed them after a few years to Carolina. The first of the Kearnys to appear on American records was Phillip, son of Edmund Kearny, before mentioned, of Garrettson, near Kinsale. The Michael Kearny mentioned was the great-great-grandfather of the distinguished American General of the Civil War. In all likelihood he came to Philadelphia with his brother Phillip, or, at least, resided there as early as 1707. His wife, (Elizabeth Brittin) came from Ireland with him and some years after her demise at Philadelphia, he married Sarah, daughter of Lewis Morris, afterwards Governor of the Province. In 1716 he purchased lands at Perth Amboy, New Jersey and soon after removed there."

Michael J. O'Brien in "The ancestry of Major General Philip Kearny," *American Irish Historical Society Journal*, Vol. XI, p. 161.

³ "The ancient name was Cearnmach, signifying 'Victorious' and was taken from one of their ancient chiefs, Cartharnaigh. The title of the head of this sept was Chief of O'Gearney in the present countries of Meath and Westmeath. . . . This name is common in Cork, Limerick and Clare. A clan of the O'Kearnys were settled near Kinsale in the County of Cork. The O'Kearnys were also chiefs of O'Kearny River, a district about Six-Mile-Bridge in the baronies of Tulla and Bunrath, in County Clare.

Lawrence Kearny entered the navy as midshipman July 24, 1807, under President Jefferson. He was promoted to the office of lieutenant in 1813 by President Madison, master commandant in 1825 by President Monroe, and Captain in 1832 by President Jackson. His first service after receiving his midshipman's warrant in 1807 was during the continuance of the Embargo and Non-intercourse Acts, in the flotilla of gunboats under Commodore Rodger. He was first lieutenant of the Frigate "President" when war was declared with Great Britain in 1812 and was in her when wrecked after leaving New Orleans on a cruise. His services off the coast of South Carolina and adjacent states during the war of 1812 were brilliant and valuable, and he received favorable notice in Copper's naval history and in Nile's Register. After the War of 1812, as Commander of the "Enterprise," he was stationed in the waters of the West Indies and Gulf of Mexico which were then infested by powerful gangs of pirates, engaged in depredating the commerce of all nations. Through his active exertions near Cape Antonio, off the island of Cuba, the gang of the notorious pirate Gibbs, afterward hanged in chains in New York, was dispersed and some of his crew taken. After receiving the highest commendation for the services in the West Indies he was ordered to the command of the United States ship "Warren" on the 2nd of December, 1826 and sailed for the Mediterranean station February 22nd, 1827. At that time pirates in the Levant were committing frequent and serious depredations on the commerce of all nations. Of Kearny's work and service at this time one writer says: "He was both sagacious and energetic, and possessed an intrepidity never exceeded."³ After returning to the United States he was promoted to the rank of captain. He was ordered in 1839 to the frigate "United States." In 1841 while in Brazil he was appointed to the command of the East India squadron, and hoisted his broad pennant on board the frigate "Constellation," it being the first instance in the history of the United States Navy that its broad pennant had been raised in a foreign station.

³ (continued.)

The O'Kearnys have always been distinguished as a martial race, both in Ireland and abroad."

Rooney, p. 240. *A Genealogical History of Irish Families.*

⁴ *Annual Encyclopedia*, 1868, p. 403.

During the decade before 1840 United States naval vessels had visited Macao every year or two but none of them passed the Bogue and entered the inner waters of China.⁵ If their officers went to Canton, or elsewhere, they disembarked from their own ships, and took passage on other vessels to these ports. The warships of this country were regarded as intruders, and on entering Chinese waters were regularly presented with an official paper commanding them to depart, an order which, by the way, they as regularly disregarded. Neither officers nor ships had as yet received recognition by the Chinese government.

No American warship or merchantman, unless perchance, an opium smuggler or whaler was to be seen along the Chinese coast between Canton and Korea. For many years foreign merchants, chiefly British, though a few were said to be Americans, had been engaged in the highly profitable opium trade between India and China, notwithstanding that the importation was interdicted by the Chinese government. Many Chinese officials, however, conniving at the illicit opium traffic, shared in its profits, which were greatly increased by the trade being opened to all British merchants on the discontinuance, in 1834, of the monopoly long enjoyed by the British East India Company.⁶

⁵ Paullin, *Diplomatic Negotiation with American Naval Officers*, 1778-1883, pp. 185-214.

⁶ "For over a century, China bound and helpless in the clutches of the opium habit, made spasmodic but futile attempts to break her chains and free her helpless people from an evil which destroyed their physical stamina, weakened their mental fibre and ruined their economic efficiency. Edicts and severe penalties against the importation, sale and use of opium seemed to have had little effect. The importation increased from 200 chests in 1729, 4,000 chests in 1790, to 70,000 chests in 1838. The opium came from India and the increase in importation corresponds with the British occupation of India and the monopoly of the East India Company. As England would listen to no appeals or protests the Emperor of China finally ordered some 20,000 chests stored on ships near Canton to be destroyed.

This was in 1839 and the cause of the first so-called Opium War, which resulted in defeat and loss for China. England took the island of Hong Kong, and \$21,000,000 indemnity, of which \$6,000,000 went to British merchants as payment for the destroyed opium. In addition five Chinese ports became treaty ports—"open doors" for trade in general, *opium* in particular. Fifteen years later came the second opium war, waged by Great Britain which opened up five more trade ports and exacted a second indemnity of \$3,000,000 from China. These wars must be regarded as unjust and immoral, because they originated in a desire to force upon a helpless people a traffic lucrative to Great Britain.

In 1838, by direction of the Emperor of China, one of China's most energetic viceroys was appointed as High Imperial Commissioner, with full power to stop the importation, sale and use of the proscribed drug. Commissioner Lin arrived at Canton on March 9, 1839, his first act being to demand that the opium held by foreigners should be immediately surrendered to him to be burned and that foreigners should enter into a "bond" assenting to the confiscation of all ships on which opium should be found, together with their cargoes, and to the punishment by death of the companies of all such ships. On April 28, 1839, when the United States frigate "Columbia" came to anchor at Macao, Commodore Read found in jail many prisoners of various nationalities, but largely Chinese.

General conditions due to the British insistence upon the right to continue dealing in opium and to the fear of a massacre of the imprisoned foreigners, finally caused Capt. Charles Elliott, the British superintendent of trade, to yield to the demands of Commissioner Lin and to deliver up to him twenty-two thousand, two hundred and ninety-one chests of opium valued at twelve million dollars. On the delivery of the opium, the guard around the factories set up by Commissioner Lin was removed, the foreigners were liberated and trade with Canton was re-opened. Commodore Read was in an embarrassing position due to the continued refusal of the Chinese to recognize the authority of any

Thus, with the opium trade forced upon her, China, about 1860, decided to share in the profits which so evidently made opium a worth while trade, and began to grow the poppy herself. This was a turning point in the national life of China. She gave up the struggle to free her people from a degrading habit and relinquished whole provinces to the growth of opium instead of wheat and other necessities of life. In 1906, when 60,000,000 of the Chinese people had become drug addicts, the last great campaign against poppy growing and for the total eradication of the opium habit was begun. The co-operation of Great Britain was sought to restrict importation from India, as lacking this restriction, nothing could be accomplished. A ten-year agreement was made in 1907 by which Great Britain promised to restrict the importation of Indian opium into China 10 per cent for each year of the ten years, provided China curtailed the growth of the poppy in the same ratio. The unexpected and almost incredible happened. China conducted the fight with vigor, offenders were severely punished, and by 1917, was practically free from the native-grown drug."

Joseph C. Pelletier, *Opium, A World menace*, p. 4.

foreign naval officer, and on August 6, 1839, sailed with his command for the Sandwich Islands.

The destruction of the opium at Canton by Commissioner Lin was regarded by Great Britain as a cause for war. This war with the subsequent "Opium War" of a decade and a half later, with its continuing evil effect, not alone on China, but in the resulting general weakening of human character and the debasement of world morals, together constitute two of the most immoral if not infamous events of the 19th century.

On November 2, 1840, Secretary of the Navy Paulding issued an order to protect American interests and subjects on the coast of China, especially in the war between that country and Great Britain.

An American squadron was sent to China in 1840 and on reaching its destination it was found that the Canton River was blockaded and that one of the ports north of Canton had been attacked.

The United States "Constellation" and the "Boston" with Commodore Lawrence Kearny in command arrived at Macao March 22, 1840, almost two years after the beginning of the opium war. He was particularly instructed to impress upon the Chinese people and their officials that the great object of the United States was "to prevent and punish the smuggling of opium into China, either by Americans or other nations under cover of the American flag."⁷

The British fleet was then operating chiefly at Shanghai and on the Yangste-Kiang, more than a thousand miles north of Canton. The British had captured Amoy, Ning-po, Tinghai and Changhai and had obtained possession of Hong Kong, at the mouth of the Canton Bay, where they had established a naval rendezvous. They had taken the forts at Bogue, pushed up the Canton River and forced the Chinese in control of Canton to purchase an immunity from attack by the payment of six million dollars. The blockade at Canton had been raised, the foreign commerce resumed and the smuggling of opium had again been permitted. Commodore Kearny arrived too late to see much of the war. A few days after his arrival he issued an order addressed to the United States consul at Canton.⁸

⁷ *Letters to officers of ships of War*, XXX, pp. 44-47.

⁸ "The Hong Kong Gazette of the 24th instant March 1842, contains a shipping report, in which is the name of an American vessel engaged in carrying

This order appeared to British merchants to a be mere affectation of high professions, and as an attempt to curry favor with the Chinese, but before he left China, Kearny proved to his critics that his government was acting in good faith. In May, 1843, he seized the American schooner "Ariel," a notorious opium smuggler, and made earnest effort to capture the "Masseppa" and other illicit traffickers. In his reports to the Secretary of the Navy he complained strongly of the smuggling.

Because of certain alleged outrages committed on American citizens, during the operations of the British near Canton, Commander Kearny on April 11, 1842 left Macao, passed the Bogue, and two days later anchored at Whampoa Beach, the first time that an American ship of war had thus violated the time-honored sanctity of the inner waters of China. This, however, gave no offense to Canton officials, who permitted him to disregard the roundabout method of communication hitherto strictly insisted upon, and to send his messages directly to Viceroy Ke, minor guardian, member of the Board of War, and governor of the province Kwangtung and Kwengse. The Viceroy in answer not only ordered the Hong Merchants to pay the damages to

opium; therefore I beg you will cause to be made known with equal publicity, and also to the Chinese authorities by the translation of the same, that the government of the United States does not sanction 'the smuggling of opium, on this coast, under the American flag, in violation of the laws of China. Difficulties arising therefrom in respect to the seizure of any vessel by the Chinese, the claimants certainly will not, under my instructions, find support for any interposition on my part, after the publication of this notice."

Senate, Doc. 29, Cong. 1 sess., no. 139, 7.

⁹ "The American flag is now the only cover for this illicit trade. Sir Henry Pottinger (the British plenipotentiary in China) having issued a proclamation against it; and the English craft having been turned away from the river, has placed the Americans in a peculiarly advantageous position in freighters under the flag of the United States. The British officers have informed me here that their subjects defy them by pointing to the American flag over that contraband article.

Senate Doc., 29 Cong., 1 sess., no. 139, 38.

¹⁰ "The good understanding which happily exists between the local authorities of Canton and the Americans and with myself," he wrote to the secretary of the navy, "would seem to recommend this time a propitious moment for the United States to enter upon some understanding in regard to commercial privileges with the Chinese. The liberty therefore of undertaking such a measure will, I hope, find excuse even should I fail of success."

E. I. Squad Lets., 1841-44, no. 32.

United States vessels, rising out of the war, as fixed by Kearny, but declared the whole act one of misapprehension. While making these adjustments, a boat of the "Constellation" was also fired upon by one of the Chinese forts, but this matter was also satisfactorily adjusted and presents were exchanged between the Viceroy and Commander Kearny.

At Hong Kong in September, Kearny received news that peace had been restored and a treaty signed on August 29. The Treaty of Nanking provided for the cession of Hong Kong to the British, the payment by the Chinese of twenty-one million dollars as a war indemnity, the opening to British merchants of Canton, Amoy, Fuchau, Ning-po and Shanghai. Kearny was quick to recognize the importance of this treaty to the United States and despatched Vice-consul Delano to Washington with a copy, sent duplicates over land by mail, and ordered the "Boston" to proceed to the west coast of Mexico with triplicates. Delaying his return voyage he set about obtaining for our merchants the same commercial privileges granted by the Treaty of Nanking to the British.

Commodore Kearny wrote to Viceroy Ke from Macao, on October 7, 1842, in the following words:

"The address of Commodore Kearny, commander-in-chief of a squadron of United States ships, respectfully represents that he learns with deep interest the high imperial commissioners deputed to arrange commercial affairs with the British are expected in a short time to arrive at Canton, and that a commercial treaty is to be negotiated to operate in favor of 'British merchants' conclusively.

"The undersigned does not press this matter at present, but, trusting to the good and friendly understanding which exists, he submits the case, and has the honor to be, your excellency's most obedient servant."¹¹

From Macao Kearny went to Canton, where soon after his arrival he received the following favorable reply from the Viceroy:

"Ke, guardian of the young prince, member of the Board of War, member of the imperial cabinet, and Governor of the two Kwang Provinces, states in reply to the subject of the 10th of the 9th month (13th October), that I have received your polite communication relating to the English commerce. I, governor, have ever hitherto treated the merchants of every nation with the same kindness. Moreover, the Americans who have come to Canton have had free commerce, month after month, and year after year. These mer-

¹¹ For the correspondence between Kearny and Ke, see *East India Squadron Letters*, 1841-1844, nos. 33-52; and S. Doc., 29 Cong., 1 sess., no. 139, 21-36.

chants have been better satisfied with their trade than any other nation; and they have been respectfully observant of the laws, is what the August Emperor has clearly recognized, and I, the governor, also well know. How then should I not rather, on the cessation of difficulties with the English, wish to show favor to them? Now, I have ordered the Hong merchants, with the said English nation's merchants, to devise beforehand, and to await the arrival in Canton of the Imperial commissioners, great ministers of state. When I shall have received the newly devised regulations concerning the free trade of the English, then I, the governor, together with the lieutenant-governor and Tartar general will immediately deliberate upon the proper adjustment of the regulations, and will make a representation of the Emperor that he may hear and direct what shall be done.

"Decidedly it shall not be permitted that the American merchants shall come to have merely a dry stick (that is, their interests shall be attended to). I, the governor, will not be otherwise disposed than to look up to the heart of the great Emperor in his compassionate regard towards men from afar, that Chinese and foreigners with faith and justice may be mutually united, and forever enjoy reciprocal tranquility, and that it be granted to each of the resident merchants to obtain profit, and to the people to enjoy life and peace and universally to participate the blessings of great prosperity, striving to have the same mind.

"This is my reply."¹²

In spite of these assurances of the Viceroy, Commodore Kearny decided to delay his departure. The English and Chinese were prepared to open negotiations respecting the new commercial system, and he was of the opinion that his ship and presence would be beneficial to his country should it become necessary "to make demands in favor of equal rights and commercial privileges."¹³

To facilitate the settlement of the claims of United States Companies against the Chinese government, Kearny again sailed up the Canton River, and leaving his ship at Whaupoa he entered into correspondence with Viceroy Ke, who gave his word that the sum claimed by the Americans should be paid. Commodore Kearny again took up the matter of Commercial privileges to American merchants to which Governor Ke answered on March 17th as follows :

"On a former occasion, the governor received your honor, the commodore's communication, requesting him, in his behalf, to 'solicit the favor of the august Emperor to allow the merchants of his honorable nation to trade upon the same terms as those granted to the merchants of other nations,' etc. As in

¹² Senate Doc., no. 139, pp. 21-22.

¹³ Senate Doc., no. 139, p. 24.

duty bound, the governor having already addressed the Emperor clearly upon the subject, waited the coming of the high commissioners at Canton, where they were in concert to attend to the foreign relations; but the Tartar General Elepsie, having arrived at this city, but a short time elapsed, when, most unfortunately, on account of disease, 'he went out of office' (i.e., deceased)—so that whatever may be just and equal in the trade of each nation, remains unsettled. It is, therefore, necessary to wait the arrival of his successor; and when some plan is adopted, then a personal interview may be held with your honor, the commodore, and, face to face, the relations between the two countries may be arranged, and the same be reported to the Emperor.¹⁴

In reply Kearny availed himself of the opportunity to say that he personally was not empowered to make a treaty.

"If, however, he added, "his Imperial majesty will declare his will on this point, my country will no doubt rejoice to it in the same spirit of amity, and straight return an answer, and send a high officer to China, who, in connection with the Imperial commissioner, will deliberate and settle a permanent treaty of lasting peace and friendship. But to commence this good thing, to open this road of mutual benefit, belongs to his Imperial majesty of China."

This suggestion regarding a treaty was not approved by Viceroy Ke, who said that such a compact was contrary to the Chinese custom and would be an unnecessary and circuitous act, and said that the tariff of duties fixed for the English would "pass into force in a uniform manner for every country."¹⁴

Having performed the duties committed to him with great tact and skill and having served his country most efficiently under trying circumstances, Commodore Kearny sailed for Honolulu on his return voyage. Three months after he left Amoy the Viceroy issued a proclamation giving to other nations the same commercial privileges granted to Great Britain by the Treaty of Nanking, which removed many antiquated restrictions on commerce and for the first time opened the ports of China and its people to intercourse with the Occident, and thus introduced it into the family of nations. It is an interesting fact in this connection that, in reference to Kearny's responsibility for the opening up of China to equal commercial intercourse with the

¹⁴ S. Doc., no. 139, 33.

S. Doc., no. 139, 33-34.

Chinese Repository, XII, pp. 443-444.

Poster, *American Diplomacy in the Orient*, p. 76.

Poster, *American Diplomacy in the Orient*, pp. 71-89.

rest of the world, a member of the British Commission then in China wrote:

"The Chinese government promised, on the representation of the American Commodore, Kearny, previous to the Treaty of Nanking, that whatever concessions were made to the English should also be granted the United States. The throwing open of the port of China to Europe and America was not, therefore, the result of our policy, but had its origin in the anxious forethought of the Americans, lest we might stipulate for some exclusive privileges."

On learning of the Treaty of Nanking in December, 1842, President Tyler sent a special message to Congress recommending the appointment of a commissioner to China to negotiate commercial arrangements. This was not authorized by Congress until March 3, 1843, and Edward Everett, then minister to England, was chosen commissioner. On his declining the office, Caleb Cushing, a member of Congress for Massachusetts, was appointed. He negotiated the treaty of Wang Hiya which was ratified in July, 1844. This treaty contained many concessions to the United States and may be regarded as a triumph for Kearny's policy.

After leaving China Kearny stopped at the Sandwich Islands in June, 1843, and then learned that a provisional treaty had been made between King Kauehameha and the representative of the British government for the transfer of the King's Hawaiian dominions to the British crown, without reference to the rights or interests of the United States or her inhabitants. Against this cession Kearny immediately protested, notifying both King Kamehameha and Captain Lord George Paulet, the British representative, that they would be held respectively liable for all injuries to American commerce and American merchants. The subsequent history of the Hawaiian Islands does not concern this present sketch of Commodore Kearny's life, but it is of interest to note that this brave, farseeing and patriotic sailor was able at a critical moment to interpose his protest against an act of imperial absorption which would have profoundly influenced the future of the United States. Without being able to remain until a definite settlement would be effected he left the Sandwich Islands, and reached Norfolk on April 30th, 1844. He was afterwards engaged in various shore duties, including the command of the

New York Station; the presidency of one of the naval courts of inquiry under the act of January 16, 1857, and member of the Light-house Board, New Jersey Board of Pilot Commissioners. He spent the last years of his life in Perth Amboy, where he died November 29, 1868, in the paternal homestead where he was born, and which he had retained through life as his residence and home.

The patriotism, brilliancy and wisdom of public men concerned in the world events of the past decade, have operated to withdraw public attention and recollection from the distinguished services rendered, in former years, by Americans remote from observation who, when their opportunity came, fulfilled worthily their part in making the history of their time.

No branch of the national service has been more fruitful in producing patriots and officers with statesman-like vision and courage of conviction than the United States Navy. It is impossible to give a naval commander detailed instructions, because the circumstances under which he acts cannot be foreseen. He must be always in possession of wide discretionary powers, and must adopt that course of action in any given case which circumstances and his own good judgment dictate. This was especially the case in the early years of the Republic when transportation and communication were so difficult.

It is also unfortunately true that the writing of American history has been dominated by writers honestly actuated, but narrow and partisan in their outlook, a tendency which has done much harm to the country by adding fuel to the ever smouldering flames of sectional division, always latent in a nation of such diversified racial makeup and sectional interests as the United States. This partisanship has been demonstrated positively by expressions of dislike to or unfair treatment of the individuals conspicuous as actors in important events, or negatively by neglect due to sectional, racial or religious antipathies. This is probably the reason for the screen thrown over Commodore Barry, the "father" of the United States Navy, until his acts and achievements were forced into more general knowledge during recent years.

Time was when the trade of the world centered in the Mediterranean Sea. During the last hundred and fifty years it passed to the Atlantic Ocean and the seas and territory adjoining, but

today the front door of the United States faces the Pacific, the future control of which will determine the mastery of world commerce and trade. More than one half the population of the world are centered in the countries between the Pacific Ocean and the Red Sea. Eighty years ago, at the time when the events here described occurred little was known of China and Japan. It took courage, behind which was an inspired vision of the future to enable Lawrence Kearny, associate in racial blood with Commodore Jack Barry, to act as he did at this fateful time, exactly as in our day another patriotic American and far seeing naval officer, Rear Admiral William S. Benson, Chief of Naval Operations for United States Navy during the recent world war, foresaw and acted, despite clamor and intrigue, for the ultimate protection and safety of this nation.

When the events described were happening, England in the decade of the thirties and early forties, had gone through the political movement for Catholic emancipation, the Chartist movement and the Reform Bill and was perfecting the foundations of its industrial evolution. The seeds of the Irish famine were planted but were not to show for a few years.

Germany was soon to face the unrest which culminated in the latter part of the forties, and sent some of her best children to the United States, where they later acquitted themselves nobly.

France was in the early throes of the Louis Blanc socialist episode.

Only two of the great nations of the world were facing the future with anything like security.

Steam had been introduced a few years previously and in the United States its practical application to water navigation by Fulton, followed by the iron ship, made competition inevitable in the struggle for control of the seas of the world.

England was first in this field, but the spirit of American nationalism which had been growing apace since Jackson's victory at New Orleans, found the United States prepared and alert. During the fifteen years from 1840 to 1855 the United States built and put at work on the seven seas more tonnage than had ever been launched by a nation in the world's history, during the same period of time. In 1855 the United States flag was flying on two and a half times more tonnage than when the world war began in 1914. A map of the world in Elizabeth's time shows England as

a small island. Generation by generation Great Britain has expanded east and west to the nation which now controls one third of the seas and the political destinies of every fourth person alive.

From the imperialistic viewpoint, therefore, the absorption of control over the teeming millions of China was undoubtedly a political aspiration and the spread in the use of a deadly and soul destroying drug and its evil effects, year by year, being only a minor incident.

As the history of the great nations of the Orient has become better known during the last half century, the antiquity and extent of their civilization, particularly of China, is beginning to be realized. Plato and Aristotle are generally accepted as pioneers in the theory of modern civilization, which however, being based on Pagan philosophy and builded on human slavery, denied slaves the right to possess, not alone their bodies, but their souls and the hope of a future life.

In the Divine plan of existence, Paganism gave way to the Christian Era, which brought into the world, real ideals of liberty, the fight against which is unceasing and never more so than today.

We have now learned that more than a thousand years before Plato, the Chinese had attained to a high degree of civilization and in actual governmental practice were applying various forms of democratic theories. Against this background of national history and tradition the use of opium into China in the 30s and 40s of the 19th century assumed to the Emperor of China and his government the proportion of a national menace, and was acted on accordingly. The history of this period which is much better known in China than in the United States, goes far to explain the traditional friendship of this oldest of civilized nations for the United States.

As the Chinese view world events they can see the United States today in exactly the same position as China was in 1840. The police of our large cities say freely that their greatest post bellum criminal problem is drug addiction.¹⁵

Standing alone, Lawrence Kearny, as far as in his power, mitigated the sentence of opium slavery to the Chinese people.

¹⁵ *National Police Journal*, May, 1921.

He made the first step to open the door to closed Oriental trade, and in any gallery of fame of the nation's benefactors during the fifteen decades of its existence, he is at least entitled to honorable place.

COMMODORE JOHN BARRY

BY

WILLIAM L. J. GRIFFIN, A. M., D. D. S.

(Compiled from the original manuscript, documents and notes of the late Martin I. J. Griffin.)

John Barry has justly been called "The Father of the American Navy." His early, constant and worthy services in defense of our country; his training of many of those who became the foremost sons of the sea in our early naval annals, make the title fitly bestowed.

When and under what circumstances young Barry left his birthplace in the Province of Leinster, Ireland, is not known. He probably went to Jamaica; and from there, while still a boy, to Philadelphia, where he found employment in the merchant fleets. And we know that, in August, 1771, he became captain of the brig "Patty and Polly," sailing out of Philadelphia. Later he was master of the schooner "Industry," and other coastwise trading vessels. As master of the ship "Black Prince," he arrived in Bristol, England, in January, 1775, soon afterward proceeding to London. He arrived back in Philadelphia on the very day that Congress decided to fit out two armed cruisers, the first act founding a Continental naval force for the United States. To one of these, the "Lexington," Barry was commissioned captain, on the 7th of December, 1775.

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Author of numerous articles among them being "Venom of the Rattlesnake," "Venomous Snakes of the United States," "Physiologic action of the Venom of the Rattlesnake, Copperhead and Coral snakes on the human system," "History of Medicine and Dentistry," "Discovery of Anesthesia," "Vesalius the Father of Anatomy," "Mendel and Darwin," "Joyce Kilmer and Rupert Brooke," "Father Hennepin and Niagara Falls," "Paul Revere the Dentist," "Fauchard the Father of Modern Dentistry," "Abbe Joseph Correa de Serra," "Two Noted Indian Chiefs, Skikelimo and Orono," etc.

When the "Lexington" was ready for sea the severity of the weather prevented its passage out the Delaware Capes. It was not until March 23rd that Congress issued Letters of Marque authorizing public and private cruisers to capture British vessels, or to seize and destroy supplies for the British Naval forces. Barry then proceeded to sea, followed by the "Roebuck," a British war vessel, but Barry made his flight good. His historical and patriotic career had begun. And on April 7, 1776, off the Virginia Capes, he met and defeated the British sloop-of-war "Edward," bringing her as a prize into Philadelphia. Among the prisoners was Richard Dale, of Virginia, who had been persuaded to abandon the patriot cause and become a soldier of the king. Barry induced him to return to the Colonist allegiance, and accept service on the "Lexington." Barry bequeathed to him a gold-hilted sword, which had been presented to John Paul Jones by Louis XVI, of France, after the famous battle between the "Bon Homme Richard" and "Serapis."

Barry's capture was a demonstration of the ability of the Colonists to contest the sea with Great Britain, something many of the leaders of the patriot cause had seriously doubted. How effectively this struggle was waged is shown in the figures, submitted by Captain Richmond Pearson Hobson years ago, at the Buffalo Pan-American Exposition. Captain Hobson showed that we captured from the British over eight hundred vessels and more than twelve thousand seamen. Of these more than one one hundred were war vessels of the Royal Navy, carrying over two thousand five hundred guns. American losses were scarcely more than one-sixth those of England

Barry's next command was the "Effingham," one of thirteen vessels built at Philadelphia, Boston and Baltimore by the Marine Committee of Congress, of which Robert Morris was chairman. But since, on July 2, 1776, the day on which the Colonists declared their independence, this frigate was not ready, John Hancock wrote Barry that "as the frigate you are to command is not yet launched, it is but a piece of justice to allow you to make a cruise in the Lexington, in hope that fortune may favor your industry, and reward it with some good prizes." Barry did, indeed, meet that "fortune," capturing several British vessels.

The "Effingham" was ready by the following October, and Barry took command. The frigate had been named in honor

of Lord Effingham, who had resigned his commission in the British Army rather than take up arms against the Colonies. A re-organization of the Navy took place on October 10, 1776, when assignments were made of the several vessels then belonging to the "United States," which was the title Congress had, on September 9, 1776, ordered used in all public documents. These assignments brought a good deal of dissatisfaction, for many commanders thought they had not been given the proper standing in rank. Barry, assigned number seven, was about the only one to make no protest, while John Paul Jones, having been given the eighteenth position on the list, was much aroused. But Barry was too eager for service under any conditions to be much concerned about rank. He was thus early in the struggle, foremost during its continuance, and last to leave the service.

Jones had declared that some "gentlemen in the first days of the Navy did not join it because they did not choose to be hanged, the hazard being very great." But there was never any hesitancy on Barry's part, and he was always active in service and on duty. On November 30, 1776, he united with captains Biddle, Read, Alexander and Nicholson in a memorial to Congress, the very serious situation of the patriots being the occasion. Washington was, as he said, "at the end of his tether." "In ten days my army will have ceased to exist," he wrote Congress. All seemed lost in the bleak December of the new Republic's first year of life. The hour of defeat, dismay and destruction seemed about to strike. The timid and faint-hearted were rapidly seeking British protection and asserting their allegiance. Gloom and despair were everywhere; yet amid it all God's precious Providence and love was most strikingly manifested. For out of the darkness came the victory at Trenton, where Barry, with a company of volunteers, had been of great assistance to Washington.

After Howe had entered Philadelphia, following the patriot defeat at Brandywine, the Navy Board ordered all vessels south of Market street to move down the river; and all north to go up the Delaware, in order that they might not fall into the hands of the British. Barry's "Effingham" went down the river; and when, on October 22, 1777, Count Donop attacked the Americans in Fort Mercer, at Red Bank, N. J., the British fleet co-operated with the land forces, while the Continental vessels, under Barry,

and the Pennsylvania fleet, under Haxelwood, drove them back and prevented their passage up the river.

Barry's operations on the Delaware, with the British in control of Philadelphia, were as brilliant and as audacious in bravery as any services performed during his career. Doubtless from his activity, good judgment and bravery at this period may have proceeded all the successes of his subsequent career. The Continental authorities were made aware at once of the abilities of the gallant man whom they had, so early in the struggle for independence, placed in command. While in the upper Delaware he conceived a plan to destroy some of the enemy's vessels lying off Philadelphia. The plan was to float down the river machines in the form of ships' buoys, filled with powder. This was done on January 5, 1778, a day noted in history as that of the "Battle of the Kegs." And on the 26th of February, he arrived off Fort Penn, and sent word to Washington that he had "destroyed the forage from Mantua Creek to this place," amounting to four hundred tons. On March 27th, with twenty-seven men in five row-boats, he captured the "Mermaid," and the "Kitty," transports bringing supplies from Rhode Island for the British troops. The "Alert," a well-armed British schooner, came in sight while this was going on, and was likewise captured. Her name was changed to "Wasp," and Barry given command. Washington wrote the young commander, on March 12th, "although circumstances have prevented you from reaping the full benefit of your conquests, yet there is ample compensation in the degree of glory you have acquired. May a suitable recompense always attend your bravery!"

Barry's success won the admiration of friend and foe alike. Sir William Howe at this time is said to have offered Barry twenty-thousand guineas and command of a British frigate, if he would desert the patriot cause. "Not the value and command of the British Navy could seduce me from the cause of my country," Barry is said to have replied.

It was at this time that Washington's men were suffering the hardships of a terrible winter at Valley Forge, and the supplies captured by Barry from time to time were of incalculable assistance in enabling the patriots to pull through at all. On May 30th Barry proceeded to Boston to take command of the "Raleigh," then in the harbor there. He refitted her for service and went to

sea, stopping at Rhode Island, where he received orders to cruise in company with the brigantine "Resistance," between Cape Henlopen and Occracok, on the North Carolina coast, intercepting British vessels cruising in the vicinity. On September 25, 1778, the "Raleigh" encountered two English vessels, and a fierce battle ensued. The American ship was run ashore on an uninhabited island, and set on fire. The unequal contest against heavy odds was fought with great gallantry; and though Barry lost his ship he gained laurels for himself and for his country. "Perhaps no ship was ever better defended," wrote John Brown, Secretary of the Navy Board, adding, "Captain Barry's conduct is highly approved, and his officers and men are greatly pleased with him." The two ships which Barry had met mounted a total of 72 guns against his 32, the battle taking place off Fox Island, Penobscot Bay, Maine.

On November 10th Barry was appointed to the command "of all armed vessels" employed in the expedition against St. Augustine, Florida. The expedition, however, was cancelled upon the British becoming aware of it, and taking too effective precautionary measures. He then took out Letters of Marque from the State of Pennsylvania, and assumed command of the brig "Delaware," his commission bearing the date of February 15, 1779. In this vessel he made two cruises to Port-au-Prince, Haiti, on the second capturing the British sloop-of-war "Harlem."

The confidence of the Continental Congress was then shown most conclusively by the assigning to Barry the new 74-gun ship "America," then building at Portsmouth, N. H. This was on November 6, 1779. The expenses of launching and equipping the "America" were paid from the shares of the United States "in the prizes taken by Captain Barry," in the first cruise under his command of the "Alliance," in which he sailed pending the completion of the "America." The "America," however, was presented to France to replace the French ship "Magnifique," wrecked in Boston harbor. But the "Alliance" was then the largest vessel of the Continental Navy. Barry remained her commander during the rest of the war; and at its close he was Commodore of all armed vessels remaining in the service of the Colonies, being second in the patriot rank only to Washington.

The appointment of Barry to the "Alliance" had had a special significance at this time, which was just after the discovery of

Arnold's treachery. Washington, almost in despair, had asked "Whom can we trust now?" One reply was the appointment of the Irish-born John Barry to the command of the Navy's finest vessel.

Barry was next selected to convey to France Colonel John Laurens, as special commissioner to arrange for "an immediate sample and efficacious succor in money, large enough to be a foundation for substantial arrangement of finance, to relieve public credit and give vigor to future operations." The "Alliance" sailed on February 11, 1781, with Col. Laurens, Thomas Paine, Comte de Noailles, and others. On the way she captured the British cruiser "Alert," which had possession of the "La Buonia Compagnia," a ship of the Venetian republic. Barry released the Italian "out of respect for the Laws of Nations and the the rights of neutrality," an action which Congress approved and for which it thanked Barry.

Laurens secured from France a gift of six millions, together with clothing and military stores. The "Resolute" took it all from Brest, reaching Boston on August 25, 1781. The money moved Washington's army to Yorktown, for Congress had no credit nor money until the arrival of the French funds. The importance of the mission of getting Laurens and his fellow-commissioners to France is thus indicated. Failure to have conveyed Laurens safely would have meant disaster, and perhaps defeat.

When the "Alliance" left France, on her return to America, Captain Barry, under Franklin's orders, directed the master of the French ship "Marquise Lafayette," to proceed to the United States under the convoy of the "Alliance," since the French vessel was laden with important supplies for the American cause. The ships were separated in a storm in mid-ocean. Five days later the Frenchman met the British cruiser "Suffolk" and was defeated in a three-hour battle at close range. The "Alliance," on her way across, captured or sunk several British vessels, and on May 28 encountered the British ship-of-war "Atlanta." Barry advised her master to haul down his colors, to which the response was a suggestion for a trial. Barry was shot in the shoulder during the resulting battle, and soon the American colors were shot away, causing the British to think they had been struck. In a moment, however, the flag of the Colonies again floated aloft, and after more fighting the Englishman surrendered. Barry refused her

captain's sword, however, complimenting him upon his bravery and offering the hospitality of the "Alliance." The latter reached Boston June 6, 1781, Barry's wound being still in a dangerous condition. A few weeks later, however, he reported for duty once more.

In the following November Barry was assigned the duty of taking Lafayette to France "on business of the utmost importance to America." So urgent was this mission that Barry was directed to take part of the crew of the "Dean," place them aboard the "Alliance," together with such French seamen as could be procured. Robert Morris, then director of naval operations, declared that "the safe and speedy arrival of Marquis Lafayette is of such importance that I think it most consistent with my duty to restrain you from cruising on this passage. You are, therefore, to avoid all vessels, and keep in mind as your sole object to make a quiet and safe passage to some port in France." The "Alliance" sailed from Boston on December 23, 1781, arriving at L'Orient, France, on January 18, 1782. She arrived back in America in May, being chased by several British ships on this coast, but making port at New London, Conn., on May 13th. There she fitted out for a cruise on which she started in August, Barry having an interview with Washington before sailing. On this cruise he captured no less than nine prizes. From four of them the share of the United States was more than \$55,000.

Preliminary terms of peace between the Colonies and the mother country were signed on November 30, 1782; and on December 5th, the king announced that "further prosecution of offensive war upon the Continent of North America" was prohibited. Barry, however, had already started on another cruise, sailing from the French coast, which he had reached at the time. On January 8, 1783, he arrived at St. Pierre, Martinique, where he found orders for him to proceed to Havana, to take aboard money in specie. The Governor of Havana, however, refused Barry permission to sail from this Spanish port. The "Alliance" was thus delayed until March when the news of peace reached Cuba. She then set sail for Providence, Rhode Island, having aboard money consigned to George Olney, of that city. In company with her was the "Duc de Lauzun," commanded by Captain Greene. The "Alliance" soon encountered a British vessel of war, and on March 10th there thus took place the final battle of the Revolu-

tion. On April 11th Congress ordered the "cessation of war on water as well as by land." So that Captain Barry commanded the first Continental cruiser and the last frigate. He brought Congress the first prize of the war, and defended the last money brought to this country. He commanded the "Alliance," the best vessel in the patriot service.

Barry's services on behalf of his country did not cease with the close of the war. He offered them to President Washington in March, 1794, in connection with the proposal to fit out some ships against the Algerine pirates. On March 27, the President signed an Act declaring that "the depredations of the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection." This Act is the foundation of our present Navy.

Three frigates were built, and Barry was appointed captain of one of them, being given the ranking position. Henry Knox, of Maine, was then Secretary of War; and to him Barry wrote a grateful letter of acceptance, a letter which is included in the Force Collection, in the Lenox branch of the New York Public Library.

Thus the County Wexford Irish boy became practically Commander-in-Chief of the new Navy of the Constitutional United States. Appointed by Washington, "Father of His Country," Barry became "Father of the American Navy," in the many distinguished sons of the sea who were trained under him. On December 7, 1798, he was in command of the "United States," the "Constitution," the "George Washington," the "Merrimac," and others of nearly similar size. This fleet went to the West Indies in active operations for the "protection of our commerce, and for the capture or destruction of French armed vessels from St. Christopher's as far as Barbadoes and Tobago." So had altered the fortunes and relations of nations! Barry, only a short time before, acting in co-operation with the French, was now in command of a powerful fleet against them! Moreover, he was now in accord with the English, his late enemies. But a Treaty was signed with the great First Consul on September 30, 1800, and there was no more trouble.

Barry's health, long subjected to so severe a strain, now began to fail, and he requested permission to retire. This was granted on June 6, 1801. But on December 22, 1802, the Secretary of the

Navy informed him that "we shall have occasion to keep a small force in the Mediterranean, and we shall expect your services on that station."

But the time had come when the sailor and warrior was sighting another Station and his Final Port. And so, on February 27, 1803, he made a will, bequeathing his worldly goods. He died on September 13, 1803, at his country place, Strawberry Hill, now part of Philadelphia. Hew as interred in St. Mary's cemetery; and beside him lies his friend, Captain John Rosseter, also of County Wexford, Ireland. The grave of Thomas Fitzsimmons, a signer of the Constitution, is near by.

Three statues have been erected to the memory of John Barry. One is in Independence Square, Philadelphia; another in Fairmount Park; and the third in Washington.

SHIPPING STATISTICS OF THE PHILADELPHIA CUSTOM
HOUSE, 1733 TO 1774, REFUTE THE SCOTCH-IRISH
THEORY.

By MICHAEL J. O'BRIEN.

While the "Scotch-Irish" in early American history have been the subject of much discussion, no one on either side of the controversy has produced any figures to indicate the proportion of this element which emigrated to the Colonies, as compared with natives of Ireland of old Irish descent. Not that it is claimed official figures are obtainable, yet it is a fact that not one participant in the discussion has attempted to draw from the public records whatever data are available as to the racial character of the emigrants from Ireland before the Revolution. Most American historical writers assume that the emigrations from Ireland in pre-Revolutionary times were comprised wholly of the descendants of the Scotch settlers in Ulster, despite the fact that in the public records of the districts where the Irish located may be seen numerous surnames which no one could possibly regard as other than Irish.

Some writers apply the phrase "Scotch-Irish," even to people bearing the most obvious Irish names, and they refer so persistently to the "Scotch-Irish" this and the "Scotch-Irish" that, until even those who themselves have examined the records begin to wonder if, after all, their eyes deceived them! Their general idea seems to be that every person who came from Ireland in pre-Revolutionary days must, necessarily, have been of Scotch descent and it is evident that the only basis for this assumption is the fact that the children of the pioneers attended the Protestant and Presbyterian churches. Nearly all dwell upon this religious distinction, overlooking the point that even if these people originally were Catholics, they had no opportunity for practising their faith in America, with the result that their children in course of time drifted into communion with the other sects. But that is no justification for giving these people a hybrid racial designation since religion does not make nationality, yet that fault is prevalent among many historical writers in their allusions to the early emigrants from Ireland.

American historians insist upon dividing the population of Ireland into two classes, and say that that section of the people whom they call by the absurd term, "Scotch-Irish," were the only emigrants from Ireland to America in the colonial period. Even if it be conceded that there is an ethnological entity properly describable as "Scotch-Irish" many of whom settled in the Colonies what possible explanation is there for the vast numbers of ancient Irish names that are found in the Colonial records? But since historians are so persistent in applying this term to all the Irish settlers in America, let us meet them on their own ground and test the validity of their assumptions.

There is no way of procuring official figures showing the exact numbers of people who emigrated to the colonies from the different parts of Ireland, because no such records were kept. But, one thing is certain, since the names already referred to prove it beyond question, *all* were not "Scotch-Irish," and therefore the only point to be decided is, what proportion of this emigration was of old Irish stock and what proportion represented the Irish-born descendants of the Scotch settlers in Ulster? There is only one means which furnishes a basis for estimating these figures, namely the shipping statistics. These, at any rate, are reliable and they furnish a starting point from which a reasonable estimate can be made up, and without some such means of calculation, all opinions on the subject and all assertions of historical writers as to the preponderance of the "Scotch-Irish" element are absolutely baseless.

In the colonial period an important item of the news of the day published in the newspapers was a list of the ships arriving at and departing from American ports. This information was secured regularly from the Custom Houses, in addition to which the newspapers frequently reported the numbers of passengers arriving in these vessels, the ports whence they sailed and the places of their destination in the colonies. Philadelphia was then our chief port of entry and it is known that the bulk of the Irish emigrants entered the country through that city, whence they passed on to the places of their intended settlement in Western Pennsylvania and Virginia, and many of those who first located in Pennsylvania, or their sons, in time also removed to Virginia where they spread up and down the Shenandoah and Alleghany Valleys.

When collecting the material for my book, *A Hidden Phase of American History*, I examined the newspapers published in Philadelphia between 1767 and 1774, the period of the largest Irish emigrations. The ultimate object of this study was to determine the proportionate emigration from the different parts of Ireland which passed through the Delaware River, and thence to the various sections of the country where these people eventually located. Since no other book giving such data, or even intimating that such data exist, has ever been published, and as no historical writer furnishes the slightest evidence that he was in possession of such information, it would appear that this is the first time an analysis of the shipping records has been made for the purpose stated. Yet, strangely enough, in their treatment of the subject and their differentiation between the numbers of people of the various nationalities who settled in the colonies, the historians did not hesitate to say (1) that the Irish were very much in the minority, and (2) that those who did come from Ireland were exclusively the "Scotch-Irish," or, as some call them, the "Ulster Scots."

The data secured by this study disproved that assertion utterly. It showed that the total number of vessels from Ireland entering the Delaware River between 1767 and 1774 was 894, of which only 378 came from Ulster and 516 from various ports in the Provinces of Munster, Leinster and Connaught, and that the total Irish emigration during that period was 96,000, of whom 32,640 were from Ulster. Meanwhile, I have devoted some time to the further pursuit of this enquiry, and a similar examination of the Custom House reports, beginning with the year 1733 and down to 1750, develops some very interesting figures which are an absolute contradiction of the theories advanced by the "Scotch-Irish" historians.

Of the fifty-two issues of the *American Weekly Mercury* of Philadelphia of the year 1733, only nineteen are now available, and in these nineteen issues the number of vessels reported as trading between Philadelphia and Ireland was twenty, of which nine were with Cork, six with Dublin, one each with Belfast and Waterford, and three with "Ireland." Assuming that the same proportions prevailed throughout the year, we see that four of every five of the Irish vessels trading with Philadelphia in that year were from those parts of Ireland where that elusive individual,

the "Scotch-Irishman," was very much of a *rara avis*. All issues of the *Mercury* for 1754 were examined, and from the Custom House reports in that year we have the following figures:

Vessels trading between Philadelphia and Dublin.....	31
" " " " " Cork.....	9
" " " " " Belfast.....	4
" " " " " Londonderry.....	4
" " " " " Waterford.....	3
" " " " " Newry.....	1
" " " " " Ireland.....	18
<hr/>	
Total.....	70

These figures show that sixty per cent of the vessels were from Dublin, Cork and Waterford, but if we apportion those "from Ireland" equally to Ulster and the other Irish Provinces, we find that seventy-four per cent of them traded with Dublin, Cork and Waterford and twenty-six per cent with the Ulster ports of Belfast, Londonderry and Newry.

Another Philadelphia paper, *The Pennsylvania Gazette*, in its issue of April 1-8, 1736, published "An Account of the Number of Vessels Entered and Cleared at the Custom House in this City from March 25, 1735, to March 23, 1736," and from this we also obtain some illuminating figures. According to this account, the total numbers of vessels "Entered in" and "Cleared out" at the Philadelphia Custom House during that period were 199 and 212 respectively. The highest number of arrivals was from Antigua, with 20 vessels; Barbados next with 19; Boston, 17; Ireland, 14; London, Maryland and South Carolina, 11 each; and so on. Only four vessels came from New York, two from Liverpool and one from Scotland. Of those which sailed from Philadelphia during that period, Barbados ranks first in the list among the places of destination with 26; Ireland second with 23; Antigua third with 20; Carolina fourth with 15; to Lisbon, London, Boston and Maryland there were 10 each; to Jamaica 16, and so on. But, it is clear that an error was made in drawing off these figures, in so far as the trade with Ireland was concerned, because the Custom House records show that although the account in the *Gazette* said there were only 14 arrivals from Ireland and 23 cleared for departure for Ireland, or a total of 37, as a

matter of fact the number of vessels between March 25, 1735, and March 23, 1736, was 20 from Ireland and 33 for Ireland, or a total of 53. Tabulating the seven highest sets of figures, we have this interesting comparison covering trade with Philadelphia:

	Number of Vessels		
	Arrivals	Sailings	Total
Ireland.....	20	33	53
Barbados.....	19	26	45
Antigua.....	20	20	40
Boston.....	17	10	27
South Carolina.....	11	15	26
Maryland.....	11	13	24
London.....	11	10	21

Thus we see that Ireland stood first in the list, and when we analyse the total of 53 shown under arrivals at and sailings from Philadelphia in that year, we find that fifty-nine per cent of the vessels were from and for Cork and Dublin, twenty-four per cent from the Ulster ports of Londonderry, Belfast and Carrickfergus and the remaining seventeen per cent were with "Ireland," without naming the ports of departure or destination. While if we apportion the last-mentioned figure in the manner before described, it is found that only one-fourth of the vessels were from and for Ulster ports and three-fourths with all other Irish ports. Therefore, throughout each of the three years, 1733, 1734, 1735 and the first three months of 1736 the proportions trading with the different parts of Ireland were about the same.

During the next three years the figures varied somewhat. The arrivals from Ulster ports increased to twenty-four per cent and those from Dublin, Cork and Waterford decreased to fifty-six per cent; but, when the arrivals and sailings are combined, we find that the proportions were twenty-two and sixty-six per cent respectively, the remainder of Philadelphia's Irish trade being recorded as with "Ireland," without any indication as to the names of the ports. A study of the record for the three year period, 1748 to 1750, shows that the trade with Cork and Dublin again fell off and that with Londonderry increased considerably and during this period the number of vessels arriving from and sailing for Ulster ports was forty-eight per cent of the whole.

Totaling the eighteen year period under examination, we have the following figures:

Vessels trading between Philadelphia and Dublin.....	167
“ “ “ “ “ Cork.....	88
“ “ “ “ “ Londonderry....	57
“ “ “ “ “ Belfast.....	22
“ “ “ “ “ Newry.....	12
“ “ “ “ “ Carrickfergus...	9
“ “ “ “ “ Waterford.....	9
“ “ “ “ “ Coleraine.....	6
“ “ “ “ “ Carlingford.....	1
“ “ “ “ “ “Ireland”	51
<hr/>	
Total.....	422

So that, of all the shipping between Ireland and Philadelphia (and apportioning those from “Ireland” equally between Ulster and other Irish ports), the proportions were:

	Arrivals at Philadelphia	Sailings from Philadelphia
Ulster ports.....	39%	30%
All other Irish ports.....	61%	70%

Which agrees substantially with the study already made as for the period, 1767-1774. It may be asked, what has all this to do with emigration from Ireland, and what inferences may be drawn from these figures as tending to show the extent of Irish emigration arriving via Philadelphia from the different parts of Ireland? It may reasonably be assumed that even the “Scotch-Irish” theorists will not contend against the correctness of the assumption that the Irish emigrants generally took ship at the ports nearest their homes, and it stands to reason that if the majority of these emigrants were “Scotch-Irish” the number of vessels from Ulster ports would be far in excess of the number which sailed from other Irish ports. Because of the primitive conditions of travel, there being no railroads in Ireland at that time, naturally intending emigrants took the shortest and easiest route to the ports of departure, so that, the passengers on the vessels from Cork and Waterford were those who came from the

south of Ireland, those who embarked at Londonderry and Belfast were from the north of Ireland, and so on with the other sections of the country. I hardly think this point will be disputed.

Almost all of these vessels carried passengers as well as freight, as the advertisements in the newspapers show, and in some cases they brought as many as 500 passengers on one trip. The items printed in the newspapers reporting the number of passengers arriving in these vessels indicate that the average number per ship was 300, and by multiplying this average with the number of ships reported as arriving from Ireland we ascertain the approximate number of emigrants from that country who came in via the Delaware River. On the basis here described, during the whole period under review, it is determined that the total number of Irish who came in via Philadelphia was approximately 138,900. Of these, thirty six per cent or 50,004, came on vessels from Ulster ports and sixty-four per cent, or 88,896, from all other Irish ports.

But, the figures for Ulster ports must be still further divided in order to differentiate more accurately between those who were admittedly "Irish" and those claimed as "Scotch Irish." The County of Donegal, for example, is considered one of the most "Irish" Counties in Ireland, and of such Counties as Tyrone, Derry and Fermanagh, the population is about evenly divided, between the old native stock and the descendants of the Scotch planters. An emigrant from any one of these four Counties would naturally take ship at Londonderry, the nearest port, so it follows that all of the emigrants sailing from Londonderry could not have been the so called "Scotch Irish."

Deducting from the 50,004 shown to have come from the Province of Ulster the conservative figure of twenty per cent, as representing the Irish, we have about 40,000 as the total number of "Scotch-Irish" emigrants during the twenty-nine year period referred to, and 98,900 from all the rest of Ireland. This being the only known calculation of this kind ever made, based on actual figures of record, it puts the question squarely up to the advocates of the "Scotch-Irish" theory, and with every confidence that impartial persons will accept these figures in that light, I challenge the assertions of the "Scotch-Irish" historians who claim that the majority, if not all, of the emigrants from Ireland were of that class.

That this method of computation is justified may be assumed from the figures furnished by the famous English statistician, Sir William Petty, who shows that in 1659 out of a total population of 163,921 in the Province of Ulster, 63,350 were Irish and 40,571 were "English, Scotch and other aliens." And the *American Weekly Mercury*, in its issue of September 6, 1739, published "an account received from Ireland," showing that of the whole population of that country in the year 1733, seventy per cent of the people were Catholics and thirty per cent Protestants, the Catholics being assumed to be the old Irish and the Protestants the descendants of the English and Scotch settlers. Applying these proportions to the total Irish emigration would bring the figures practically into agreement with those resulting from my method of calculation. Is it any wonder, therefore, that we find a vast number of Irish names in the colonial records, or that the Irish and their descendants furnished a large proportion of men to the fighting forces of the Revolution?

And there are other means of verifying the correctness of this method of calculation. I select, for example, a list of "Emigrants from England" in the years 1774 and 1775, compiled at the English Public Record Office for the New England Historic-Genalogical Society which furnishes the following data illustrating the class of Irish people coming to America at this period. In this list there are 286 old Irish names, and 128 of these people are shown to have come from England and 158 from Ireland, nearly all bound for Virginia, Maryland and Pennsylvania. In some instances the places in Ireland whence they came are given, and of the total of 158, seventy-seven were from Baltimore in the County of Cork, Dublin, Waterford, Cork and Meath and eighty-one "from Ireland." It is of interest also to note the surnames of these people, and among them we find:

Barry	Dalton	Hynes	McKnally
Blaney	Dealy	Keaton	Neill
Boylan	Delaney	Keefe	Nowland
Boyle	Dempsey	Kelly	Nugent
Brady	Dewyer	Kennedy	O'Brian
Branan	Dillon	Kenny	O'Bryne
Burke	Donovan	Kirby	O'Neill
Burn	Dougherty	Kennelly	Phalon

Byrne	Doulán	Lawler	Power
Cahill	Dowling	Logan	Redmond
Calan	Doyle	Lynch	Regan
Callaghan	Dunn	Lyons	Reilly
Caraghen	Farrell	Madden	Rice
Carroll	Fitzgerald	Mahon	Roach
Carty	Fitzpatrick	Mahony	Rooney
Casey	Flanagan	Malone	Ryan
Cashin	Flynn	Mara	Scully
Cockran	Fogarty	Mealey	Sheilds
Coffee	Gavin	Moland	Skelly
Collins	Gibbons	Moran	Sullivan
Conlin	Gillen	Murphy	Sweeny
Connell	Gorman	McBride	Tawney
Connery	Hagerty	McCarty	Timmons
Connolly	Haney	McDonald	Toole
Connor	Hanlin	McEnnis	Tobin
Cosgrave	Higgins	McGill	Toomey
Cotter	Hogan	Magguire	Whelan
Craigen	Hurley	Macquire	
Dermott		McGuire	

Of the total of 286, nearly 200 or seventy per cent, bore such names. Several of the same family name are enumerated; as, for example: there were nine named Collins, six Murphys and Kellys, four O'Briens and one O'Bryne, five Reillys and Carrolls, five named Burn and three Byrnes, four each named Connolly, Connor, Doyle, Farrell, Kennedy, Lynch and McDonald, three each named Callaghan, Donovan, Dowling, Gorman, Lyons, Mahony, Roach and Sullivan. And that few of these immigrants were "hewers of wood" or "drawers of water," we find among them "Thomas Gorman, Schoolmaster from Ireland, age 26," and "Thomas McKoin (McKeown), Schoolmaster from London," who sailed "from the port of London for Virginia"; "Patrick Farrell, Schoolmaster from London for Maryland"; "Thomas McCarty, Schoolmaster from Southwark, age 22"; "Timothy Kennedy, Schoolmaster from Westminster for Virginia," and "William Griffin, Schoolmaster from Ireland for Baltimore." All of these schoolmasters were "bound as indented servants for four years." The occupations of the others are also shown and

among them were mechanics of all sorts, farmers, laborers and so on, and one of them, Dr. John Doherty, is down as a "surgeon." Other similar lists of emigrants from Ireland can also be quoted, but this will probably be considered sufficient to illustrate the point.

CHIEF JUSTICE TANEY AND THE DRED SCOTT
DECISION.

BY THOMAS Z. LEE, LL.D.

It is somewhat startling, especially for those not particularly interested in the Irish Chapter in American History, to find that one of the most discussed and generally reprehended declarations ever made by a high judicial officer of the United States against his fellowman, a declaration unreasonable as it was unjust, was made by Chief Justice Roger Brooke Taney of the Supreme Court of the United States immediately after Buchanan's inauguration as President in 1857, in his statement that "a negro has no rights that a white man is bound to respect."

This statement has had undoubtedly a tendency to dim the lustre of Chief Justice Taney but for those who have not studied the course of the Dred Scott case, the several opinions written under it, and the view generally held at that time by people in general concerning our colored brethren, but not in defence but to give a true history of the event, a short review of the case may be interesting.

Judge Taney was discussing the condition of the colored race throughout the world at the time the Constitution was adopted and argued that they were everywhere considered an inferior people, subject to be seized and sold as slaves, a practice then carried on by the citizens of all the European nations and particularly those of Great Britain, and it was in the course of this discussion that he used the phrase above referred to. A reading of the complete story of Dred Scott and the famous litigation shows clearly that the statement was not Taney's opinion. He was accurately describing the view held by the white men of the world as to the negro in 1776. That it was not his own view is shown by Taney's entire life, by his opinion of slavery and the emancipation of his own slaves. He said that in five of the colonies at that time the free negroes were permitted to vote, but that did not make them citizens of the United States, that the white men who formed the Constitution were, many of them, large slaveholders and never intended to receive as political equals this race, inferior in intelligence and incapable of self-government.

Dr. Emerson, a surgeon in the United States Army, then living in Missouri, was the owner of a slave named Dred Scott. Emerson was ordered to Rock Island, in the free state of Illinois, and took Scott with him. He remained on duty there two years and then was ordered to Fort Snelling, Minnesota, then in the Territory of Wisconsin, but on the west bank of the Mississippi River in the upper portion of the Louisiana Purchase, where he remained two years more. While at Rock Island he purchased a negro woman named Harriet from a brother officer, and Dred Scott, with Dr. Emerson's consent, married this woman. In 1838 Dr. Emerson returned to Missouri, taking Scott and his wife with him, and on the steamboat en route a child was born to the Scotts, at a time when the boat was north of the parallel of 36° and 30' and north of the state of Missouri. A second child was born to them in Missouri. Scott brought suit for his freedom in the Supreme Court of Missouri and failed. Dr. Emerson died and his wife married Dr. Chaffee, an abolition Congressman, and transferred Scott and his family to her brother Sandford, a resident of New York, apparently for the purpose of giving jurisdiction to the United States Federal Court, and in 1853 Scott began suit in the Circuit Court of the United States, for the District of Missouri, against Sandford, claiming that Sandford had unlawfully restrained him and his wife and his two children from their liberty.

It was contended in opposition that Scott was a negro of African descent, whose ancestors were pure African blood and who were brought into this country and sold as negro slaves; but it was not stated that Scott was a slave. He was a free man of color, as the expression was then, and it was around this proposition that much of the controversy, both in the case itself and in the public discussion, raged. The facts were practically agreed upon and after due progress of litigation, Scott's case came before the Supreme Court of the United States, and Chief Justice Taney wrote the opinion.

There never was the slightest intention of doing the colored man, by word or deed, the slightest injustice, as far as Justice Taney was concerned; and of all the arguments that have been made or written on this subject the last ten pages of Taney's opinion, holding that Congress had no power to forbid slavery in the Louisiana Purchase, is a model of excellent reasoning. It

was in his best style, brief, lucid and convincing. The tone is lofty, free from partisan bias, and will carry conviction to anyone who takes the trouble to read it. The Constitution, he says, recognized slavery. It spoke of persons held to service, and everyone knew that such statement meant slavery; and the fugitive slave law flatly spoke of these people as slaves. If a slave fled from his master, he could not be retained on free soil. If he was abducted and taken to a free state, he could be reclaimed. His standing in court was the same as that of a mule or a cow, nothing more, nothing less. The right and title of a slave-owner was recognized equally with the right and title of a northern owner of a horse or a mill. The Louisiana Purchase was bought with the common treasure of the people. It was policed and surveyed at the expense of the people and its lands were open to settlement and purchase. It was bought and held in trust until it reached the status of statehood, for the benefit of the people of the United States and they, therefore, had no right to discriminate and distinguish between the classes of citizens, between those whose property was in slaves, and those whose property was in cattle or machinery and the like; and when Congress undertook to forbid slavery in the Louisiana Purchase north of the Missouri line, it practically forbade those whose property was in slaves to settle there and deprived them of their interest and heirship in this great territory. To say to the slave owner, when he crossed the line, that he must leave his slaves behind or have them emancipated, was to deny him equal rights with the northern man who owned cattle. In fact, it opened the country for settlement to the North and closed it to settlement to the South. This was the trend of Judge Taney's reasoning.

The decision was not well received by a large portion of the people of the North. Its extra-judicial character, its apparent intended political effect, and the time at which it was delivered, combined to generate criticism for the Court. It was the time and the occasion that brought forth criticism, but let it be said that Chief Justice Taney, in making the statement that in his opinion, the negro had no rights that the white man was bound to respect, was doing no more than reflecting the spirit of the times in which he lived and emphasizing the property rights then known and currently understood to have rested in the form of slavery, whereby one man owned and controlled the body of another.

AN IRISHMAN TOOK THE FIRST PRINTING-PRESS
INTO THE STATE OF ILLINOIS.

BY MRS. ANNIE M. STRINGFIELD.

John Stuart McCracken was one of the pioneer Irishmen who came to Illinois when that State was in the processes of its making. Born of Irish parentage, May 28, 1816, in County Down, Ireland, he was brought to the United States when but seven years old. His parents, having visited with his father's brother Robert, at Chambersburg, Pa., journeyed on to Cincinnati, then little more than a village, where they settled permanently. There John received his education and later, with his four brothers, Robert, Henry, William and Frank, learned the printer's trade.

The McCracken family bought a number of lots facing 5th Street and running back to 4th Street, in the then upper side of the village. The back lots now contain among other buildings the Methodist Book-Concern and the Presbyterian church made famous by Rev. Lyman Beecher, 1871-4. In 1838 John McCracken purchased a printing press and, shipping it by boat down the Ohio river to the village of Shawneetown, Illinois, set up a printing office and established a newspaper. Later, he took as a partner in business a young man named John McClelland. The friendship which sprang up between the partners was of a lasting nature, and a few years later, when the partnership was dissolved and the young men parted, each declared to the other that if ever married and if sons were born, one should be named for the friend of his early association.

John McCracken married his cousin Mary Jane McCracken, whose father had moved to Scott County Illinois, from Chambersburg, Pa., and who had settled upon open land which he purchased from the Government. The marriage between John and Mary took place Nov. 9th, 1841, and for several years thereafter they lived at St. Louis, Missouri. Mr. McCracken later bought property in Jefferson City, Mo., and also became the owner and publisher of the only newspaper that at that time published the State Capitol news. There was no railroad and only one small steamboat, "The White Cloud," traversed the Missouri river between Jefferson and St. Louis.

Of the six children born, one son was named John McClelland in honor of the Shawneetown partner. Another son was named

Hampton Boone, after a close friend of the family, a son of the famous Kentucky explorer, Daniel Boone. An incident worth recording, since it has to do with another early Statesman, was that Thomas Benton wanted the child Hampton named for him. and was so disappointed not to have it so that he broke friendship with the family and later tried to wreck vengeance upon his once intimate friend.

In those days Missouri was regarded as the "border" state. Indians roved at will over its western part; therefore very few settlements were made there by the whites. The Missouri Indians were regarded as "tame" but the whole west beyond the state line teemed with "wild" ones. The (now) great state of Kansas was an almost unknown and unexplored territory, and there was not at that time a single trail across the United States to California, and, until 1849 there was no great effort made to reach the Pacific coast in that way. The news of the discovery of gold however, led many adventurous persons to undertake a cross-country route. As Jefferson City was then regarded as one of the "outposts" of civilization, many of the would-be gold seekers made the start from that place. Among the many who thus left and were never again heard from, was Frank McCracken, a brother of John.

The tide of immigration which poured into the west during the fifties, was far in excess of that which one might now suppose. Nor were the people who formed this tide composed entirely of Eastern Americans seeking western homes. The eastern element of home-seekers settled mainly in the states of Indiana and Illinois, and with the exception of those coming from the south, the settlers of Missouri were mainly of foreign birth, principally Germans. Many were illiterate but they made good citizens. They came in large colonies and in many instances formed whole towns, and when thus colonized they spoke, taught and preached, in their native language. All nationalities encountered difficulties which had to be settled.

Among the foreign elements were a few Jews. By many aliens and others they were not kindly received. The first Jews who came to Jefferson City were peddlers with packs upon their backs. By reason of his kindness and aid to foreigners and especially the persecuted Jews, Mr. McCracken won their lasting friendship and gratitude. One Jew named Obermeyer, whose only possession

when he landed from the steamboat, was a small pack of notions, was befriended by John McCracken, through whose influence he started a little place of business. By little it grew steadily, and eventually Mr. Obermeyer became one of the best known and wealthiest of the early merchants of Jefferson City.

When war was declared between the United States and Mexico, a Division of soldiers under General Parsons, was ordered to be sent from Jefferson City. An American flag was hastily made for this Division. The ladies of the city, marshaled by Mrs. Mary Jane McCracken, undertook the operation of making it, but as there was no bright red silk to be had and no time to send elsewhere for some, the flag was made of pink, white and blue silk! That flag had the distinction of being the first to be carried into the City of Mexico, when the U. S. soldiers entered it; its staff, and what remains of that war-tattered emblem, now rests in a Jefferson City Armory.

General Parsons, after the death of John McCracken, was made the guardian of his two minor children, John McClernand and Annie May. In 1856 John McCracken was deputed to nominate James Buchanan as the candidate for the presidency of the United States, and was sent to the Cincinnati convention as the representative-nominee from Missouri.

Mr. McCracken early became interested in the movement against slavery. Missouri, although north of the Mason-Dixon line, was a slave state. Although closely associated with those who owned slaves, he very much opposed the buying and selling of human beings. Through his sympathy for the negro he determined to do all he could for the race, and he set about his work in a very logical manner. It was a ticklish matter for anyone, in a slave state, in those days to even talk about setting the negroes free. But this did not deter him from action. He considered his position an independent one. He was neither of the North nor of the South; he was simply an Irishman.

He studied the conditions as they existed between the purchaser and the purchased. He perceived that the owners of slaves were upright, patriotic, and in many instances devoutly-religious citizens. He investigated the laws, covering the buying and ownership of slaves, which had been in force for many years. He found that these laws exacted the signing of a "Bond of \$2,000." for each negro purchased. He also

found that the laws exacted the promise (under oath) that the negro purchased should never want for food, shelter, medicine or clothing. He viewed the purchasing of a slave as akin to the buying of a fine horse or other animal; and no sane person would, he thought, pay from \$500 to \$2,000 for a horse and then take it home and beat, kick, starve and otherwise abuse it; neither would he treat a human in a like manner. This way of looking at the matter of slavery was in contrast to the view generally taken by northern people. They, in many instances, believed that the purchase of a slave was followed by kicks and knocks, as well as deprivation of all of the pleasures of life.

He found many instances where lifelong friendships had sprung up between slaves and their masters. He found that almost without an exception the slaves themselves were happy and contented. Notwithstanding all the facts in favor of the master, he was not swayed from the belief that the traffic in human beings was wrong in every particular. He therefore determined to make it a part of his lifework to accomplish its ending. At his own expense he made the journey to Washington, D.C. Such a trip meant weeks of travel either by lumbering stage coaches or by slow going steamboats. When he arrived at Washington he laid the entire matter, as he saw it, before the country's legislators. His plea was not alone for the slave and his master but included that which would affect the future of the country. He pleaded for the black man's freedom, but he also remembered the master. In asking for remuneration for the master he cited the fact that negroes had been bought and sold with the government's sanction since before President Washington's time. He therefore contended that the purchase had been legal in every particular, and while the amount asked for might not cover the sum paid out, he contended it would save the master from certain financial ruin.

His petition for the blacks exceeded the mere granting of their freedom. In setting the negroes free, he asked that the head of each family be given a hundred acres of land, at the same time citing the outlying and great uninhabited western lands, and he also asked that \$100 be given with which each family might outfit their land for farming. He especially pointed out the danger of turning the black man loose without a home or means for earning his livelihood. "They will," he argued, "drift into temptations which may lead to their being tarred and feathered or worse."

(At that time no negro had ever been burned at a stake in this country.)

In response to his pleadings, he was told that, considering the number of blacks, the amount requested would reach into hundreds of thousands of dollars and that such an expenditure would spell financial ruin for the Government. In the course of his sojourn at the National Capital, Mr. McCracken declared he observed cliques of men whose words and actions betrayed an earnest desire for war between the North and South. Their object, as he interpreted it, was monetary gain. The emotion with which he was overcome, by the downright refusal to grant a very humane way for averting war, resulted in a paralytic stroke which left him a cripple during the four years he afterward lived. He died Oct. 16, 1857, at Jefferson City, Mo.

Mr. McCracken was a direct descendant of the family of the Milesian chief of that name, who figured prominently in Ireland's early history. It will be remembered that Ireland's early chieftains were distinguished by "O' " and "Mac" and that the head chief was placed at about the middle of the Barony over which he presided. During the middle of last century there was in existence an old family bible in which the record of the McCrackens reached backward for two-hundred years. This record showed that they descended from the Stuarts of Scotland, from which it may be inferred that John received his middle name in honor of his (Stuart) ancestors. Mr. McCracken was exceedingly proud of his Irish lineage and spoke with an Irish-enunciation. Although far removed from the scenes of Ireland's activities, he never lost interest in her cause. In his home, he was morally upright, a kind husband and devoted father.

AMERICAN IRISH IN THE WORLD WAR.

BY MARC T. GREENE

Even to attempt to discuss the activities in the World War of Americans of Irish extraction is to undertake something taxing the ability and resources of even the best-equipped of present-day historians. It is, in point of fact, a subject which can be dealt with adequately and justly only after an amount of research extending far into the future.

Yet, as a result of effective work already done by several writers, and more especially by the well-known and well-loved Chaplain of the 165th Infantry and member of the society, Father Francis P. Duffy, it is possible to gain some slight idea of what a remarkable part was played in winning the war by the thousands of men in the American Expeditionary Forces, whose native country was Ireland, or whose immediate ancestry was Irish. The roster of a regiment like the 165th, which was, of course, practically the old 69th Regiment, of the State of New York, contains enough Irish names to suggest something of the task which confronts the historian who shall, presently, undertake to compile a record of the men of Irish blood who participated in the struggle for world supremacy. The regiment referred to was, of course, largely an Irish organization; and the number of Irish names encountered on its rolls is far larger than that of all others combined. Yet there is ample showing, in almost all other commands, of names quite obviously Irish.

Everyone knows what a splendid account of itself the old 69th Regiment gave; and even more are familiar with the record of Father Duffy's spiritual leadership, and of his high physical courage, recognized by France and by America in the awards of several decorations. Many people, too, are familiar with the claim by critics of the Irish race, that the regiment lost much of its Irish

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character in the course of its organization and preparation for overseas service. Father Duffy, in his book published soon after the war and read by Americans of all classes, makes it quite clear that the 165th Infantry was Irish at the start and Irish to the end; and that, moreover, its every engagement was characterized by a display of all the courage and stamina which an Irish organization usually develops at such times. The Chaplain answers the contention that many names on the regimental rolls are not clearly Irish, by pointing out that personal contact with many men bearing such names as Bailey, Craig, Dunbar, Grant, Hamilton, Johnston, Patterson, Roberts, Scott, Thompson, Walker, and so on, made it clear that they were of Irish extraction, and that Irish race feeling had led to their joining the regiment. But of more interest, and of greater weight in determining the real character of the famous organization, is the frequency with which clan names occurred.

Father Duffy has been good enough to prepare for us a table in which it is discovered that thirty-six officers and men of the original 69th regiment bore the named of Kelly, or of O'Kelly. Moreover, of the other most frequently recurring names, practically all are clearly Irish. The list is as follows, the numbers indicating the frequency of recurrence of the names cited:

- 36 Kelly (O'Kelly).
- 31 Smith.
- 28 Sullivan (O'Sullivan).
- 26 Murray.
- 25 O'Connor.
- 24 Byrne (Burns).
- 22 O'Neill, Murphy, Ryan.
- 20 Farrell, O'Brien.
- 19 McCarthy, McLaughlin.
- 18 Reilly (O'Reilly).
- 16 Burke, Lynch, Walsh (Welsh).
- 14 Donohue (O'Donoghue), Johnson (Johnston), Kenny (McKenny), Miller.
- 12 Brady, Brennan, Hughes, Kane (Keane, Cain), Sweeney, (McSweeney).
- 11 Brown, Duffy, Maher (Meagher), McMahon (Mahon), Powers.

- 10 Butler, Carroll, Daly, Donnelly, Donovan (O'Donovan), Doyle, Dunn, Hayes, Healey, McCabe, McDonald, McNamara, Martin, Moran, O'Connell, Sheehan.
- 9 Connelly, Conway, Gallagher, Hogan, Kearney, Jones.
- 8 Callahan, Clark, Collins, Dowling, Fitzpatrick, Lane (Lyons), McGrath, McKenna, Matthews, Meyer, Mullins, O'Keefe, O'Rourke, Shea, Thompson.
- 7 Allen, Cook, Doherty, Flanagan, Harris, Hennessy, Holmes, McSherry, Maguire, Moynihan, Riordan, Rooney, Taylor.
- 6 Anderson, Cahill, Carey, Casey, Corbett, Cox, Dolan, Dwyer, Finn, Hanley, Haggerty, Higgins, Hunt, King, Mee, Malloy, Moore, Mooney, Regan, White, Williams, Wood (Woods),
- 5 Andrews (McAndrews), Armstrong, Bannon, Bailey, Barry, Blake, Boyle, Buckley, Cassidy, Cleary, Cooney, Donlon, Davis, Devine, Edwards, Farrelly, Fay, Feeley, Fisher, Finnigan, Fitzgerald, Foley, Garry (Geary), Garvey, Gavin, Gill, Gorman (O'Gorman), Graham, Gordon, Hagan, Harrison, Hamilton, Hart, Hearn, Heaney, Henry, Hill, Hyland, Joyce, Kennedy, Kiernan, Leahy, Leonard, McBride, McCann, McDermott, McGlynn, McGinnis, McHugh (McCue), McKeon, McGovern, McNally, McNulty (Nulty), Madden, Mahoney, Mallon, Meade, Mitchell, Mulcahy, Nolan, O'Donnell, O'Leary, O'Meara, Quinn, Reed, Rice, Rogers, Scanlan, Scully, Schmidt, Stevens, Tierney, Tracy, Walker, Ward, Wynne, Young.

The famous 69th is not, of course, the only command of the A. E. F. in which Americans of Irish descent or birth brought themselves into prominence through the merit of their service, or their valor "above and beyond the call of duty." Other organizations numbered in their make-up many Irishmen; and all included sufficient of the blood to make its presence noticeable. The 69th, or 163th Infantry was, however, a good example of what men of the race achieved in the service of America, for no command of the Rainbow Division was more efficient, in a score of contacts with the enemy. Moreover, the 9th Ohio, 7th Illinois, the 101st, formerly the 9th Mass. with a record going back to the Civil War, several Pennsylvania commands, and many others which researches only possible through the long future will reveal, contained a large proportion of American Irishmen on their rosters.

The whole story of the activities of the men of Irish extraction in the American overseas forces, land and sea, is something that, in the very nature of things, cannot be told for years to come, because that story, like everything else in history, requires research, and above all, perspective.

My own service, on an American destroyer out of Queenstown, brought me into contact with many Irish lads, all of whom were serving America valiantly and well, and who were clean-living and acting fellows, too. So that we can say even now, without fear of any well-grounded disclaimer, that the men of the Irish race played in the World War just the same effective part they have played in every conflict in which they have served the cause of the United States.

DR. CHARLES McCARTHY,
LIBRARIAN, POLITICAL SCIENTIST, HISTORIAN

BY

JOHN G. GREGORY,
of Madison, Wisconsin
Secretary, Wisconsin War History Commission

The two houses of the Legislature of Wisconsin met in joint session in the Assembly Chamber of the State Capitol on the afternoon of the 30th of January, 1923, with a large attendance of the general public in the galleries and other available space, to participate in the ceremony of unveiling a bronze tablet in memory of Charles McCarthy, head of the Wisconsin Legislative Reference Library, who died, March 26, 1921, at Phoenix, Arizona, whither he had repaired a short time previously in the hope of benefiting his health. The tablet, commissioned by the State, was designed by a Wisconsin sculptor, Merton Grenhagen, of Oskosh. It contains a medallion portrait of Dr. McCarthy, with symbolical groups in low relief in the corners of the quadra, and the following inscription: "Charles McCarthy—1873-1921. The kindly people of the State stretched out welcoming hands to me and gave me a man's work to do." Addresses were delivered by Sir Horace Plunkett, the Irish economist, and Walter C. Owen, Associate Justice of the Wisconsin Supreme Court. The biography of the American of Irish blood who was the subject of this tribute is signally worthy of inclusion in the annals of a society engaged in collecting and preserving records of the careers and services of men and women of Irish birth or descent who have merited the esteem of our country.

Charles McCarthy was born at Brockton, Massachusetts, June 29, 1873, the son of John and Katherine O'Shea McCarthy, emigrants from Ireland. In the course of an aspiring and adventurous

GREGORY, JOHN GOADBY, newspaper man; born in Milwaukee, Wisconsin, July 11, 1856, son of John and Elizabeth Goadby. Educated in public and private schools. Printer 1871-8, journalism since 1878. Editor and leader writer since 1880. Editor *Evening Wisconsin*, Milwaukee, 1919. Formerly Secretary of Wisconsin War History Commission, now Chief of War History Department of State Historical Society of Wisconsin. Member Wisconsin Academy Science, Arts and Letters. Author of "A Beauty of Thebes" (verse), also monographs on Northwestern history, etc.

boyhood he ran away to sea, and later filled the post of stage carpenter in a Bowery theatre. At nineteen, while painting scenery for the theatre in Providence, Rhode Island, he attended Brown University, specializing in history and graduating in 1896 with the degree of Ph.D. While eager for scholastic knowledge, he also went in for athletics, making a success in football that won him a place on the "All America" team. Later he coached football at the University of Georgia, while working in history and economics, and then, entering the University of Wisconsin in 1899, coached football and qualified for a Ph.D., that distinction being conferred upon him in 1901. It was in the same year that he was appointed Legislative Librarian, and began to build up the Legislative Reference Library, and to organize a specialized research service for members of the Legislature, also undertaking at their request the scientific drafting of bills. These activities attracted wide attention, and before long what Dr. McCarthy had set going in Wisconsin became a model for other States.

Even in maturity Dr. McCarthy found recreation in athletic sports, and in 1909 he led an American baseball team to Japan. He always returned from his diversions fresh for serious work. Without compensation, he served the University of Wisconsin as a lecturer on political science. He was conspicuous in the organization of the university extension establishment, from which he evolved an elaborate system of instruction by correspondence. Observing that there was still a large number of boys and girls not reached by educational machinery, he studied the educational systems of Europe and wrote a report, submitted to the Governor in 1911, on the recommendations of which is based the compulsory part-time education for working children now in operation in Wisconsin. On projects for the further development of this system he was at work at the time of his death.

Dr. McCarthy was hardly less interested in the farm problem than in that of broadening opportunities for the working child. He reached the conclusion that better marketing is the solution of agricultural improvement. Wisconsin's Division of Markets is in great part the outcome of his suggestions. He was a member of the United States Commission on Industrial Relations, resigning in 1915. During the European War he acted as assistant to Herbert Hoover in the United States Food Administration, and was sent to Europe to make investigations for that body and for

the War Labor Policies Board. In 1917 he was offered, but declined, a position as advisor to the Chinese government. He was the author of "The Anti-Masonic Party" (1902), which won the Justin Winsor prize of the American Historical Association, and of "The Wisconsin Idea" (1912). In 1913 Brown University conferred on him the honorary degree of Litt.D. Lord Bryce said: "Mr. McCarthy's career is a striking instance of the services rendered by the free popular State universities of America. Through the University of Wisconsin he became known to the leading men of the State, won their respect and confidence, and was able to accomplish a great deal in improving the methods of legislation." A glowingly appreciative sketch, "McCarthy of Wisconsin," by Sir Horace Plunkett, was published in the issue of the *Nineteenth Century* for June, 1915. Dr. McCarthy was a member of the American Political Science Association, the American Historical Association and the American Economic Association. He was married, September 26, 1901, to Miss Lucile Schreiber, of Madison, Wisconsin, who, with their daughter, Katherine O'Shea McCarthy, survives him.

IRISH FAMILY NAMES ANGLICISED AND ALTERED.

BY CHAS. O'FARRELL.

The subject of the origin and signification of Irish family names and their changes into English has long appeared to me a desirable object, as regards our history; more especially as some of the popular writers of the last two centuries have fallen into the most erroneous notions on this very interesting subject. The errors of these writers have not only been adopted by the usually shallow compilers of County Surveys, county histories and other topographical works down to the present time, but also to some extent by writers of a higher order, and greater learning and research, as Lanigan and Moore. Indeed, strange as the fact may seem, it is nevertheless unquestionable that there are very few in the country whose ideas upon this subject are consonant with the truth; and hence upon most occasions when an Irishman adopts an anglicised form of his Christian name and surname, the effect of the alteration is such as completely to conceal, and not unfrequently to misrepresent their original orthography and meaning.

Space will not permit me to enter into the cause for these changes, in the ages gone past, the principal cause, however, of the change of these names was the ridicule thrown upon them by English magistrates and lawyers, who were ignorant of the Gaelic language. This made the Irish ashamed of all such names as were difficult of pronunciation by English organs, and they were thus led to change them by degrees, either by translating them into what they conceived to be their meanings in English, or by assimilating them to local English surnames of respectable families, or by paring.

Besides the cause already mentioned, two reasons may be assigned for this desire which prevailed among the lower classes for the continued adoption of English surnames: first, the English language was being gradually spoken among these classes, who now believe that many Irish surnames do not sound very euphoniously in that language; secondly, the names translated or totally changed are, with very few exceptions, of no celebrity in Irish history, and when they do not sound well in Irish, the owners wish to change them to respectable English or Scotch names, in order that they may obtain English or Scotch armorial bearings, and cease to be considered of plebian Irish blood. As

these changes have gone on, and still continue to go on in almost every part of Ireland, it is desirable to give some notices of the names that have thus become metamorphosed.

First, of names which have been *translated* correctly or incorrectly. In the county of Sligo the ancient name of O'Mulclohy has been metamorphosed into *Stone*, from an idea that *clohy*, the latter part of it, signifies a *stone*; but this being an incorrect translation in the present instance, these persons may be said to have taken a new name. In the county of Leitrim the ancient, and by no means obscure, name of MacConnava has been rendered Ford, Forde and Foord, from an erroneous notion that *ava*, the last part of it, is a corruption of *atha*, of a *ford*. This is also an instance of false translation, for MacConnava, chief of Muintir Kenny, in the county of Leitrim, took his name from his ancestor Cusnava, who flourished in the tenth century. In Kerry and Thomond the ancient name of O'Cnavin is now often anglicised Bowen, because Cnavin signifies a *small bone*. In Tirconnell the ancient name of O'Mulmoghery is now always rendered Early, because *moch-eirigh* signifies *early rising*. This version, however, is excusable, though not altogether correct, because it fails to account for the O'Maol or Mul prefix. In Thomond, O'Marcachain is translated Ryder by some (*Marcach* signifying a horse-man), but anglicised Markham by others; and in the same territory O'Lahiff is made Guthrie, which is altogether incorrect. In Tyrone the ancient name of MacRory is now invariably made Rogers, because Roger is assumed to be the English Christian name corresponding to the Irish Ruaidhri or Rory. In Connamara, in the west of the county of Galway, the ancient name of MacConry is now always made King, because it is assumed that *ry*, the last syllable of it, is from *ri*gh (pron. ree), a king; but this is a gross error, for this family, who are of Dalcassian origin, took their surname from their ancestor Curoi, a name which forms Conroi in the genitive case, and has nothing to do with *ri*gh, a king; and the Kings of Connamara would, therefore, do well to drop their false name, a name to which they have no right, and re-assume their proper ancient and excellent name of MacConry, through which alone their pedigree and their history can be traced.

These examples selected out of a long list of Irish surnames, erroneously translated, are sufficient to show the false process by

which the Irish are changing their ancient surnames. Here are a few specimens showing how Irish surnames have been assimilated to English or Scotch ones, from a fancied resemblance in the sounds of both.

In Ulster, MacMahon, the name of the chiefs of Oriel, which, the poet Spencer attempted to prove to be an Irish form of Fitzursula, is now very frequently anglicised Matthews. MacCawell, the name of the ancient chiefs of Kirel Ferady, is anglicised Camphill, Cambell, Howell, and even Caulfield. In Thomond, the name O'Hiomhair is anglicised to Howard among the peasantry, and to Ivers and Evers among the gentry. In the same county the ancient Irish name of O'Beirne is now changed to Byron; while in the original locality of the name, in the east of the county of Roscommon, it is anglicised Bruin among the peasantry; but among the gentry who know the historical respectability of the name, the original form of O'Beirne is retained. In the province of Connacht the fine old family of O'Heraghty is changed to Harrington. In the city of Limerick the name of O'Shaughnessy was changed to Sandys by a family who knew their pedigree well. In the county of Londonderry, the celebrated old name of O'Brallaghan is made to look English by being translated to Bradley, an English name of no lustre, at least in Ireland, while in Scotland it is made Brodie. In the county of Fermanagh, the O'Creighan have changed their names to Creighton, for no other reason than because one Col. Creighton lived in their vicinity and was created the Earl of Erne. In the county of Leitrim, O'Fergus, the descendant of the ancient Evenaghs of Rossinver, has been changed to Ferguson.

Throughout the province of Ulster generally, very extraordinary changes have been made in the names of the aborigines; as MacTeige, to Montague; O'Mulligan, to Molyneaux; MacGillycuskdy, to Cosgrove; MacGillyglass to Greene; O'Tuathalain, to Toland and Thulis; O'Hay, to Hughes; O'Carellan to Carleton, as, for instance, William Carleton, the celebrated writer on "Irish Traits and Characteristics," who is of the old Milesian race of the O'Cairellans, the ancient chiefs of Clandermot, in the county of Londonderry; O'Howen, to Owens; MacGillyfinnen, to Leonard; MacShane, to Johnson and even Johnston; O'Gneeve, to Agnew; O'Clery, to Clarke; MacLave, to Hand; MacGuiggin, to Goodwin; O'Hir to Hare; O'Luane, to Lamb; MacConin to Canning;

O'Haughey, to Howe; O'Conwy to Conway; O'Loingsy, to Lynch; MacNamee, to Meath, etc.

In Connacht, O'Greighan is changed to Graham; O'Cluman, to Coalman; O'Naughton, to Norton; MacRannall, to Reynolds; O'Hosea, to Hussey; MacFirbis, to Forbes; O'Hargadon, to Hardiman (the author of the History of Galway, etc., is of this name, and not of English origin, as the present form of that name, as well as that of Carleton, would seem to indicate); O'Mulfovar, to Milford; O'Tiompain, to Tenpenny; O'Conagan, to Conyngham; O'Heyne, to Hynes and Hines; O'Mulvihill, to Melville; O'Rourke to Rooke; MacGillakilly, to Cox and Woods.

In Munster, O'Sesnan is changed to Sexton; O'Shanahan, to Fox; O'Turran, to Troy; O'Mulligan, to Baldwin; O'Hiskeen, to Hastings; O'Nia, to Neville (in every instance!); O'Sheedy, to Silke; O'Mulfaver, to Palmer; O'Trehey and MacCoshy, to Foote; O'Honeen, to Greene; O'Conning, to Gunning; O'Murgaly, to Morley; O'Kinsella, to Kingsley and Tinsley; MacGillymyre, to Merryman; O'Faelcon, to Wolfe; O'Barran, to Barrington; O'Keatey, to Keating; O'Connowe, to Conway; O'Credan, to Creed; O'Feehily, to Pickley; O'Ahern, to Heron, etc.

Scores of similar instances might be given, but the number exhibited is sufficient to show the way in which Irish family names have become assimilated with those of their conquerers.

The above short list, imperfect as it necessarily must be, does not attempt to give the various forms of spelling which each name assumes according to the whim of the bearer, or according to euphony of the dialect of his native district. Many of the names are attempted translations from the Gaelic by persons who were entirely ignorant of that language. For instance, the family name of Wynne, which was spelled phonetically from the Gaelic, Mulgechy, is translated into Winn, Wynne, etc., under the belief that the last part of the word was "gaoth," which means "wind." This method played havoc with the orthography of Irish names. A good knowledge of the anatomy of the Gaelic language, its grammar, etc., is imperative to the correct root knowledge of the early forms of these quaint old Irish family names.



DANIEL FLORENCE COHALAN
JUSTICE SUPREME COURT, STATE OF NEW YORK

ISOLATION IS INDEPENDENCE.

BY JUSTICE DANIEL F. COHALAN.

There are so many sides of this question which one may consider, that it is difficult to determine just which ones to emphasize, and which temporarily to pass over. I think it will be agreed that the great fight for liberty at present is in America, and the issue of the fight one way or the other will determine the contest for liberty over the world.

In 1920 we had thrust suddenly upon us—by reason of an arrangement between the governing minds in both parties—a contest, which, had it gone as the internationalists hoped, would have done away to a great extent with the effects of the Revolution, and put us in a position of subjection, if not to one, surely to many of the European Powers. Just why men of great worth, of great power, and of great position in America should combine to do a thing of that kind, it is difficult to explain. It is hard to get Americans to understand that there are men of position and of power in this country so interested in the fortune, in the prestige, in the future of foreign Governments as to be

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Member of many historical societies; former President of Society of Friendly Sons of St. Patrick; Chairman Board of Trustees of Manhattan College.

Author of numerous essays and pamphlets on American Constitutional and historical questions; Chairman of the Committees which appeared before Foreign Relations Committee of United States Senate and Foreign Affairs Committee of House of Representatives in 1919 and 1920 in behalf of independence for Ireland. Took leading part in campaign throughout country against entry of America into League of Nations. Has written and spoken extensively in favour of rapprochement between peoples of France and Germany as only solution of permanent peace in Europe. Made tour of Ireland with President Cosgrave during Election Campaign of 1923 advocating acceptance of Free State as only way to re-establish law and order and as long step towards establishing unity and independence of whole country.

willing to subordinate—even temporarily—the fortune and position of their country to the fortune of a foreign power. But experience has shown through the ages that in a democracy, that is one of the things that must be most often fought against. I refer students of history to the fact that where any republic has come in contact with an oligarchy, the latter has been able to reach out into the government controlled by the representatives of the people, and to build up a group who subordinate the interests of their own country to the interests of the foreign country. That is the situation which we have now to contend with; which we contended with successfully at the polls in 1920, and against which we may be forced to fight next year. In spite of the decisive verdict of 1920 the internationalists contend that the election in that year was to be taken simply as a decision for the time being not to enter the League, but, that it was an endorsement of our entrance into some other form of League—into what was called an Association of Nations.

The last time it was attempted to bring us into what they called "The League of Nations," one great party—representing the Administration then in power—committed this country to entrance, and amongst those foremost in the other party, was a group of men who agreed with the party in power, that in the interests of justice and of the country we should go into the League of Nations. By reason of the strategy of those who represented the international point of view, it was with great difficulty that it could be brought home to the people just what the question was that was at issue. Not until the campaign was well developed was it recognized as a contest between those actively interested in one or many foreign countries, and those whose great interest was in America. Once the people recognized what the issue was, there never was doubt as to what the outcome would be at the polls. Upon that issue, and upon that issue alone, Mr. Harding was placed in power by the greatest popular majority ever given at an election in any country. Many internationalists, who wanted to drag America into foreign affairs, continued, however, even after the issue had been decided, to declare that the contest was not on the League of Nations; that the people had not decided the election on that fact.

The effort now is to bring us into the League by way of the World Court. Both groups of internationalists are behind this

latest effort. But they advance different arguments while seeking the same end. One says the World Court will bring us into the League; the other that it will not.

I want to analyze the propositions of both parties setting up this claim; to discuss what I conceive to be the active principle that underlies this situation; and to point out the ideals which must be maintained if America is to live. That anything created by another is the creature of that other is a thing concerning which there can be no dispute. The entire plan of the League of Nations as outlined contemplates that the World Court should come into existence. It is only a splitting of hairs to say that a World Court constituted in that way is not essentially a part of the League of Nations, of which it is a creation. That which is created by another body is necessarily a creature of that body, and in this case the World Court is not only a creature of the League of Nations, but it is an essential part of the League of Nations; is one of the bodies of the League of Nations; is recognized in the plan of the League of Nations as one of its component parts. Entrance into the World Court is necessarily and essentially an entrance into the League of Nations, and any introduction into the League of Nations is an entrance from which the United States never can extricate itself.

THE WORLD COURT

What force is to be used if the World Court is to carry out its decrees? Necessarily it must be such a force as will be sufficient to carry out any decree or any judgment that may be made by the Court. If it be a decree enforceable only against weak nations or a weak people, it is a mockery to call such a body a Court. That means, to put it in concrete form, that it must have force enough to assure that if it makes a decree against the Government of the United States, it will have power to enforce its decree against the Government of the United States. In the last analysis, and in the plainest way, that is the setting up of a super State whose power will be greater than that of the United States.

This idea is a thing against which our forefathers fought. It is bringing back over us the control, the foreign control, against which the Revolution was successfully fought. It is asking that the chains of slavery shall be tied upon our own limbs, and tied not

by foreign force but by our own request, and with our own consent. The arguments of the men advocating this proposition are indefinite. In abstract terms, in an abstract way, in abstract form, they contend, that we must give up our "isolation" in order that we may do our full duty towards humanity. They denounce this "isolation" as a wrong against mankind.

Now that is a tremendous indictment when you hear it in an abstract way. But put in concrete form so that the ordinary man can understand it, what does it mean? That we must give up our habit of attending to our own business in order that somebody else may attend to our business for us; we must give up our habit of minding our own affairs in order that we may give our time to minding the affairs of someone else.

Put it concretely in another way: What question is there at issue between us and another country that we want to submit to the judgment of foreigners, if their judgment may decide what will happen to our actions, to our interests, to our fortunes, or to our ideas? Is it some question with Mexico that we are to ask the world Powers to pass on for us? If there be a question regarding the American boundary on the southerly line, or the northerly line, or any other line, shall we ask the representatives of France and of Germany and of England, or any other country in Europe to determine it for us? Is it some question that has been passed upon by the Supreme Court of the United States, that we are to ask those foreigners to change for us? Take some practical proposition, one that everyone will understand. Take the decision of the United States Court with relation to the question of prohibition. Take this decision that foreign ships coming into American ports are not to carry liquor. Now, no matter whether we, as American citizens, are satisfied or dissatisfied with that, as long as it is the decision of the Court of last resort of the United States, it is the law of the land. It will remain so until we change it according to law. But if this question were raised by France or by England or by Italy, or by some other country, and if this World Court, in which we would have one representative as against one representative for every other country, were to decide to overrule the decisions of the Supreme Court of the United States, then we would either have to do one thing or the other—either to violate the Constitution of the United States, which says that we shall obey the decisions

of the Supreme Court of the United States, or to set aside the Constitution of the United States and agree to take the decision laid down by those representatives of the Powers of Europe and of Asia.

ISOLATION

The United States has never been isolated except in a political way, and that political isolation is the necessary consequence of our independence. The thirteen Colonies were not politically isolated because the Thirteen Colonies were not free. They were politically dominated and controlled from England. Once they were free, they were necessarily isolated. From the point of view of government, isolation is a necessary part of independence; it is practically only a synonym for Independence.

As a free nation we have been only politically isolated; never commercially isolated. We were isolated commercially at the time when we were tied up with England. Why? Because of the fact that we were not politically isolated. When we could not control our own government, we were commercially isolated from other countries under the orders of England. To-day we trade or are free to trade with every people on the earth because of our political isolation; because of our independence; because of our absolute government of ourselves, by ourselves and for ourselves.

When we were not able to govern ourselves, but were governed from outside, we were permitted to trade only with those whom those who governed us selected. Under the rule of England, even as late as the year in which the Declaration of Independence was given to the world, the Thirteen Colonies were not permitted to trade with other colonies of England on this continent and on this hemisphere. If we read our history, we will see that England did not permit the Thirteen Colonies to trade with the West Indies which were held by England; they threw obstacles about our trade with the territory now called Canada.

The Thirteen Colonies were not permitted to trade with anybody whose trade England wanted to monopolize. Where there is a monopoly, there is necessarily the power to fix prices; where there is power absolutely to fix prices, the one who is in such a quandary necessarily is at the mercy of the seller.

The United States has been politically isolated as a consequence of the policy of Washington, and the advice of all the fathers of the

country, and from that political isolation has come our extraordinary growth, our extraordinary strength, and our extraordinary prosperity, which have followed as a natural consequence of political isolation. So long as we are politically isolated, are we free and independent.

We have got to maintain our independence if we are to maintain our liberty. While these terms are sometimes used interchangeably, they are different things. We have to maintain our isolation in order to maintain our independence, and our independence is the thing upon which we should set more store than any other single thing. While politically isolated we can carry on commerce with all nations. We have always done it or had the right to do it. We have been doing it in the only sane way in which we can do it; by trading with them; by selling our products; and buying their products; by the interchange of commodities; and carrying on of commercial relations; by building up American forces so that there shall be travel from one country to another; an exchange of ideals, and an exchange of products.

There has never been a time when European countries were at peace that they could not carry on business relations with America in every way in which business relations should be carried on. If they had anything to sell, they could sell it in the American market; if they wanted to buy, they could come into the American market and buy. What more should we do for any of them? We have given to them vast sums in charity in the last few years and if they had security and wanted to borrow money from us, and we had money to lend, they could come and borrow it from us.

But that is not what they want. They want assistance from us, not in peace, but in war. They want assistance from us, not for America, not for the American cause, or American ideals.

What will it mean if the friends of England for instance have their way? Let us not blame them for their necessities are great. They are almost on the verge of destruction; at the end of their resources. They cannot win in war unless new troops come up, and they cannot get troops except from America. They are going to get them if at all by diplomatic skill, by genius for propaganda. Do not make any mistake about it. They will fight to the end. Their only hope of winning is to get America into the fight, on their side; to bring about probably an end of American independence; to substitute for the old American

patriotism what one nation calls Anglo-Saxonism. England talks about America as if it were an Anglo-Saxon country; as if the people were Anglo-Saxon people; as if everything that was worth while here had come from one national source; as if our ideals of government; our ideals of justice; as if the things that we possess worth while had come out of England. They are working hard through the churches, through the newspaper press; through the magazines. They had been working with a great measure of success—until we stopped them—in the schools, in changing the history of the Revolution, in changing the history of the War of 1812, in changing the history of the Civil War. They are working in every way in which ingenious, desperate, capable, resourceful men can work, and they feel that they must win. And the friends of France are no better from the American point of view. The truth is that both of these countries want us to intervene in Europe but only for their interests. Neither of them wants us in Europe as a neutral. Each of them wants us as an ally. Neither wants us to preserve peace. Each of them wants us to help in war. Let us say, "a plague on both their houses." Our policy should be pro-American and only pro-American. And that is true particularly of those of us who come of that strain of blood which has done so much to make, develop and preserve America.

AMERICA.

I do not mean to claim a higher measure of patriotism for those of any one blood. From every country, including England, we have had great men from whom we have received great ideas and great thoughts. They were not the contribution of any one country, or one strain of blood. We have drawn our strongest and our best from all the races of the Old World. We are a combination of the Old World. There is not a single one of the old races that has not made some contribution to the progress of America. We differ from all of them in one sense, that there is not any man in Europe who is just like an American. An American has something of his own by which he differs from every one of them. He differs in ideals; he differs in aspirations; he differs in his theory of government; and differs in the things for which he is willing to sacrifice his life and in his judgment of things that are best worth while.

Think of the room with this World Court in session. See the representatives of at least a dozen Governments—every one of which, is founded upon ideas absolutely opposed to the ideas of American government—antagonistic to it, hostile to our ideas and our institutions,—and the American representative going there to take his place. They may snarl at each other; they may quarrel with each other; they may deal harshly with each other with relation to their own respective interests, and their own problems. But when there comes a question upon which the interests of the Old World are on one side and we are on the other—can you not foretell with accuracy just what the vote will be on any such proposition? You will find the sole representative of America voting on one side, and the representatives of the other Governments voting on the other side. Do you not think that every time the burden of taxation, the burden of costs, or any other burden will be put on Uncle Sam? Do you not think that every time there is a question between America and another country there will be a decision in favor of that other country? If there were a division between the other countries they will try to arrange the decision in such a way that America will bear the costs, no matter upon whom apparently the burden of the decision shall fall? What would happen to our dearest ideals or our most cherished policies? Europe would not alone oppose the Monroe Doctrine but seek to get our neighbors to the South to do so.

We have done extraordinarily well in the hundred and fifty years, or less, of our existence. There is nothing in the history of mankind comparable to the story of the United States; nothing equal to the manner in which we have advanced in territory, in resources, in population, in power, in education, and in everything that makes for the comfort of the ordinary man, for his protection, for his liberty and that of the race as a whole.

What country is it to-day that leads us in idealism, that leads us in prosperity, that leads us in laws by which the average man is protected? What country is it that leads us in any of these? Take the strongest of them, the most successful, take the biggest of them, the smallest, and all are full of envy of the career, of the fortune, of the prosperity, of the wealth and of the strength of the United States.

This country is big enough, its people are great enough, and strongly enough developed, to control their own affairs. Dis-

tinctly different from any other country we are a race apart from all the other races of mankind. We want to continue to be so. We want to continue to live in a land of opportunity where every man or woman coming here or who is already here, shall make the contribution of the best that is in the human heart and mind, to the upbuilding of this country, the sustaining of its ideals, and to the strengthening of its institutions. In that sense America will continue to be the leader of the world.

Let us do the best that we can to preserve American ideals, to preserve American institutions, to make the people of the world recognize the fact that this extraordinary experiment in government set up on our shores has not in any sense been a failure. But rather on the contrary has been a great success. To the end that the great wave of liberalism started on its way when the Declaration of Independence was made in 1776 shall continue until that measure of liberty, of absolute and unconditional, unqualified sovereignty which is ours as a matter of inheritance shall not only continue to be ours in this country, but that other people all over the world shall follow our example, shall join in the procession, and that some day all men may be free.

STUDY OF THE HISTORY AND JURISDICTION OF
RHODE ISLAND COURTS.

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In the first volume of the Colonial Records of Rhode Island, at page 52, appears the earliest attempt of the settlers of Rhode Island to establish a definite judicial system. On the 7th day of the first month of 1638, William Coddington and eighteen others formed themselves into a political body, considered the necessities of the times for the establishment of a judicial tribunal at which they might settle differences which had already become very troublesome to the peace of mind of the colony, and made and executed a pact or covenant which reads as follows:

"We whose names are underwritten do here solemnly, in the presence of Jehovah, incorporate ourselves into a Bodie Politick and as He shall help, will submit our persons, lives and estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords, and to all those perfect and most absolute of laws given us in His holy word of truth, to be guided and judged thereby.

Exod. 24: 3, 4.

II Chron. 11: 3.

II Kings 11: 17."

Here follow the signatures of nineteen persons, and after organization this vote was passed:

"We that are Freemen Incorporate of this Bodie Politick do elect and constitute William Coddington, Esquire, a Judge amongst us, and so covenant to yield all due honour unto him according to the laws of God, and so far as in us lyes to maintain the honor and privileges of his place which shall hereafter be ratified according unto God, the Lord helping us so to do.

William Aspinwall, Sec'ry.

The 7th day of the first month, 1638."

Originally there were four separate communities in what is now Rhode Island, namely Providence, founded in 1636, Portsmouth in 1638, Newport in 1639, and Warwick in 1642, and at first conditions were such that arbitration and brawn shared equally in settling private differences, and with little success.

A court was accordingly established and in the latter part of the first year of the existence of Portsmouth, the elders who were associated with the judge in the administration of justice and the drawing up of rules and laws, "according to God," began quarterly reports of their doings to the town meeting for revision and approval, although the ultimate source of judicial power was retained in the town's Freemen.

In 1638 a part of the settlers of Portsmouth moved south and founded Newport, and those who remained at Portsmouth re-incorporated themselves again into a separate politic body under King Charles and "unto his laws according to the matters of justice" and increased the number of elders to eight, made provision for trial by jury in cases of importance, but insisted that only one was "to be ruler or judge amongst us."

The Providence settlers agreed to be governed in civil things by the freemen of the town; and their judicial as well as their other public business was transacted in town-meeting. Thus it was in town-meeting that Joshua Verin was tried, convicted, and disfranchised for violating the right of soul-liberty of his wife, in that he would not let her frequent the week-day religious services of Roger Williams. Such a system could only succeed in a small and primitive society, and did not give much satisfaction, as is evidenced from the compulsory arbitration adopted in 1640 which, although a step toward something better, added nothing to the settlement of judicial difficulties.

The year 1640 brought about a union of Portsmouth and Newport into a self-constituted state, an occurrence which has never been sufficiently recognized by historians. It was ordered that the Chief Magistrate of the Island should be called Governor, the next Deputy Governor, and the rest of the magistrates Assistants, and that they be all invested with additional powers of Justices of the Peace. Provision was made for courts consisting of magistrates and jurors, to meet quarterly at Newport and Portsmouth alternately; and this continued with slight changes until 1647, when Providence and Warwick united with Newport and Portsmouth under the first charter.

Providence settlers transacted their judicial business, as well as all other public business, in town-meeting, but the progress of their work in that regard is not now available to us, because the early records have been lost. A provision for compulsory

arbitration, adopted in 1640, indicates that it had not worked satisfactorily—a result that might reasonably have been expected from the well-known litigious character of these settlers.

The Warwick people maintained they had no right to create a government for themselves without the sanction of England, so they remained without government until they joined the union of the towns under the first charter in 1647, and, therefore, until that time had no judicial system.

When the four separate towns or colonies united under the first charter, the Providence system was most unsatisfactory, but its details are unknown to us; Warwick had no judicial system, while Portsmouth and Newport had a well-outlined system, with judges and juries.

After the adoption of the first charter, each of the four towns had its president and four assistants. There was a general court trial consisting of the presidents and the assistants from the towns. This court sat in different places as required, and in whichever of the four towns, the head officers of that town sat with it, but without any vote. Judge Durfee, in his "Gleanings from the Judicial History of Rhode Island," contends that the probable object was "to flatter local pride and appease a prevalent fear of concentration." Magistrates who had no power to vote but could only sit and confer must have discovered they were more ornamental than useful, and it became necessary either to dispense with their services or enlarge their powers. So, in 1650, an act was passed by the General Assembly giving them equal authority to act and vote with the general officers.

There were also town courts for the trial of minor criminal and civil cases. In 1658 it was enacted that all causes, except cases of high crime, should be tried in the town courts with the right of appeal to the general court; and this system remained in force until the royal charter was received in 1663, except during the time of interruption caused by Coddington's usurpation. Under this charter the Governor, Deputy Governor, and Assistants exercised judicial as well as executive functions. The charter did not create courts, but authorized the creation of them by the General Assembly, and at the first session of the General Assembly a law was passed directing a general court of trials to be convened at Newport every year in May and October, so as not to interfere with the sessions of the General Assembly, the court to consist of

Governor, Deputy Governor, with at least six—afterwards changed to three—assistants. Special courts were provided for urgent cases, and a local court for Providence and Warwick for petty cases.

There were no court houses in these days nor for many years afterwards, and the judges were obliged to sit in rude and ill-appointed rooms, and fell into lax and disorderly modes of proceeding; and little was done towards order or decorum. Eight o'clock in the morning was the time the court opened, and it sat till time for candles. Records were poorly kept or not kept at all, and the procedure was indifferent and irregular. Among the famous advocates at the time the royal charter was received appear such names as Roger Williams, Dr. John Clarke, William Coddington and Samuel Gorton.

It was considered necessary by the courts to adopt a rule severely condemning a judge for stooping to the role of advocate, and directing that in charging a jury the judge "shall mind the inquest of the most material passages and arguments that are brought by one and other for the case and against it, without alteration or leaning to one party or another, which is too commonly seen."

We may fairly call the court organized under the royal charter the Superior Court; and as finally created it sat only in Newport, instead of visiting the towns, and contained no officers other than the judges, which changes greatly raised the character of the court. But as the judges received no pay, their attendance was irregular, and to remedy this the number of assistants on the court was reduced and they were paid three shillings for each day's attendance, and fined twice as much for being absent without cause. In the case of no quorum of the court, absence was a serious offense and entailed a fine of five pounds for each absentee.

The colony was divided in 1729 into Newport County, originally Rhode Island County, containing the islands; Providence County, originally County of Providence Plantations, containing the old town of Providence, later divided into North Providence, Smithfield, Foster, Gloucester, Scituate, Johnston, Cranston, Burrillville, and seven other towns; and King's County, originally Narragansett County or King's Province, at present Washington County, containing the old towns of North and South Kingstown and Westerly, and now divided into eight towns. Bristol County is the only one in the state that is expressly stated to be a cor-

poration. Neither of the others was incorporated as such in the act of the General Assembly creating it. Bristol County consisted of territory recovered from Massachusetts; and Kent County was territory set off from Providence County.

A criminal and civil court was established the same year in each of the counties, and Justices of the Peace to try minor offences were created. The criminal court was made up of the justices of the county, and the civil court of "four judicious and skillful persons," chosen by the General Assembly from the counties they were to represent, and to hold office during good behavior, although in 1733 their tenure was made annual. The higher court met exclusively at Newport, under the title of "The General Court of Trial and General Goal Delivery," with jurisdiction in civil and criminal cases "as ample as that enjoyed at that time by the English Court of Common Pleas, King's Bench or Exchequer in His Majesty's Kingdom of England." In spite of the disadvantages resulting from its meeting only in Newport, and from the political character of the court, consisting, as it did, of the Governor and Deputy Governor and the Assistants, who might or might not happen to be qualified, this court lasted for nearly a century, but could not have sufficed had the judicial work been other than very simple.

In 1746 two changes were made by the General Assembly, embodied in "An Act for the more regular Establishing a Superior Court of Judicature, Court of Assize and General Delivery throughout the Colony," and acting thereunder the General Assembly was required to choose annually a chief justice and four associate justices, and provision was made for two sessions a year in each county. A beginning was made toward separating the judicial and executive functions, but a complete separation did not take place until after the adoption of the constitution in 1842. It is interesting to note the steps by which the three important branches of the government became separated. At first the executive, legislative, and judicial functions were exercised by the General Assembly. In 1780 the General Assembly declared that it was incompatible with the constitution of the state for legislative and judicial powers to be united in the same person, and that no member of either house of the General Assembly should fill the office of a justice of the Supreme Court. In 1833 a similar act prevented judges of the court of common pleas from sitting in the

General Assembly. No one saw the inconsistency of barring the judiciary from the legislature while continuing to allow the legislature to exercise judicial power; and that degree of political development was not reached until the middle of the next century. There is no law at present that prevents a member of the Legislature holding judicial position in certain of the lower courts, and it is not uncommon for a justice of the District or Probate Court in Rhode Island to be a member of the Legislature.

As both powers were originally exercised by the General Assembly, when it became necessary to distinguish between them, there were two ways by which it could be done: (a) by grant from the General Assembly or (b) by assumption of the power by the executive or judiciary. The courts always increased their jurisdiction, wherever possible, by this latter means; and this is so well known that it led to a maxim of the law that "the good chancellor is he who increases his jurisdiction." The courts increased theirs by assuming certain jurisdiction in equity, quite in order during our early history, when the Legislature was strong and the judiciary weak, and not composed of lawyers. As for the Legislature, increase of jurisdiction was another name for assumption.

In 1749 the Superior Court was authorized to grant divorces on due proof that either husband or wife had wickedly and willfully violated the marriage covenant either by act committed or by desertion without just cause for seven years. This power had been and still was in the General Assembly. In 1798 the causes were more specifically enumerated, the statute being almost identical with the present law. In 1665 the General Assembly granted a divorce for the adultery of the wife on her confession, and sentenced her to be fined and whipped. In 1667 the husband and wife were obliged to join in the petition; and in that same year John Belew petitioned to be divorced from his wife, and the assembly, finding from the first they had "lived very discontentedly, she complaining of his insufficiency," granted the petition. Alimony was decreed, custody of children, and other incidental matters regulated, and in the case of desertion by the husband the general assembly requested his estate for the support of the wife and children without a divorce. After power was granted the Superior Court, the jurisdiction of the General Assembly languished, but continued to be invoked in exceptional

cases which were not provided for by statute, or were too trivial for judicial treatment. There is an uncanny tradition, still vaguely surviving, that in such cases grave legislators were sometimes plied in the lobby with solicitations and arguments too peculiar for public discussion. After the constitution the usual course for the Assembly was, not to hear the petition, but to authorize the Supreme Court to hear it by special act, if without such act the court lacked jurisdiction. All the petitions pending in the General Assembly, together with the documents and depositions in support of them, were, in January, 1851, referred to the Supreme Court by resolution and that court empowered and required to try them.

The same was true of insolvency, and jurisdiction was exercised by the General Assembly as late as 1832, when it was conferred on the Supreme Judicial Court with a right of appeal to the General Assembly. Insolvent appeals continued to be taken until about 1857 when, following a decision of the Supreme Court, the provision authorizing appeals to the General Assembly was abrogated.

The code of 1647 directed the charging of the jury by the court, but in 1699, in a report of the Earl of Bellomont to the English Government, it is stated that the courts in this colony "give no directions to the jury nor sum up the evidence to them." The judge of the court, who knew the law, therefore, did not charge the jury, and it follows that the lay judges did not because they did not know how to do it. This remained the custom until 1833, as appears from the charge to the jury in the famous trial of Ephraim K. Avery, charged with the murder of Sarah M. Cornell, in which these words were used:—

"Until the statute, passed within a few years, making it the duty of the presiding judge to charge the jury upon the law, no court in this state had adopted the practice of instructing the jury upon the application of the law to the facts. The construction this court has placed upon the statute is, never to sum up the facts in the case, but merely to explain the law upon a supposed state of facts, and leave the jury to determine the facts, and apply the law."

Our forefathers here did not consider a knowledge of law essential to the office of judge, and to this ignorance of law was added a contempt for lawyers and a vague dread of equity, per-

haps the result of traditions brought from home by the first settlers during the exercise of "star-chamber" methods in England, when there was conflict between the system of common law and the development of equity powers.

There was little occasion in the simple life of the early settlers for the development of equity powers. The first grant of them was in 1667, and provided that a litigant proceed according to the rules of equity where any penalty, conditional estate or equity of redemption was sued for, and to chancery forfeitures. And it was not until 1798 that the court was empowered by an act of the General Assembly, to entertain a bill in equity to redeem a mortgage; and not until 1822 could the court entertain a bill for the foreclosure of a mortgage. We were far behind England in our exercising of chancery or equity powers at that time, and we did not avail ourselves of advantages that we might have had, due largely to the fact that our country was in its formation period, so to speak, and there were many questions fully as, if not more, important to consider than a mere enlargement of the chancery powers. In 1829, by act of the General Assembly, the court acquired jurisdiction over cases relating to trusts created by assignments for the benefit of creditors, and not until 1836 over cases relating to controversies between co-partners, and proceedings against banks for liquidation or forfeiture of charters and trusts in general. In 1837 the courts acquired jurisdiction over cases against railroad and turnpike corporations to restrain violations of their charters; but not until 1841 was the Supreme Court vested with full equity powers in case of fraud. The General Assembly exercised its equity powers until the constitution of 1842. Imagine, for a moment, the General Assembly as at present constituted, exercising jurisdiction in equity! Previous to 1842 persons having occasion to commence equity proceedings frequently moved out of the state across the line into Massachusetts or Connecticut, to effect a change of citizenship so that suit could be brought in the United States Court where that eminent equity judge, Story, presided.

Chancery powers were slowly acquired and the dread of equity powers is shown to have continued by the provision of the constitution of 1842 that chancery powers can be conferred only on the Supreme Court. In the first revision of the statutes after this constitution was adopted, full equity jurisdiction was invested

in the Supreme Court and the golden age in this jurisdiction began, guided by that great lawyer and eminent judge, Chief Justice Ames. A backward step was taken on the common-law side in 1847, when the Supreme Court was vested with original jurisdiction, concurrently with the court of common pleas, over all civil suits for not less than one hundred dollars—later, not less than three hundred dollars. Observe one of our students of the period: "The Supreme Court should have been what its name implies—a court above all others, one of last resort, both in law and equity, to pass upon law only, and in review. If in addition to these functions, the court is to be also one of first instance, where is the court of last resort to which an appeal can be taken?"

The act that thus encroached upon the dignity of the higher court also continued another peculiarity that lasted until 1878, and that was the right to two jury trials. The result was that the first trial was but a preparation for the second. Sometimes there were three jury trials—first, in the court of common pleas; second, on appeal to the Superior Court; and a third, if the two verdicts were contradictory, to determine which was right. In order that the ever-increasing business of the court be disposed of, the previous practice of having all the judges sit, without regard to the kind of judicial business to be attended to, was changed in 1852; and one justice was authorized to preside at jury trials and was constituted a quorum for certain purposes. This enabled the different justices to hold court at the same time and in the same or different counties, reserving for the full bench appeals in questions of law and also all equity cases.

An attempt was made to keep the Supreme Court separate from all others when, in 1843, the courts of common pleas were reorganized and made to consist of a justice of the Supreme Court as the chief justice thereof, with two associates chosen annually by the General Assembly from the different counties. In 1848 the two associates were dispensed with, and the Judge of the court of common pleas was one of the justices of the Supreme Court.

The right of the General Assembly to act as a court of appeals, to exercise prerogative powers over the proceedings of the courts of the colony, or to give relief as a court of chancery, was denied by the home authorities in 1678 and was occasionally repudiated by the General Assembly itself.

A petition was preferred that year to the General Assembly to reverse a judgment for the defendant in the case of *Sanford vs. Foster*, a case that had been tried twice in the general court of trials. The General Assembly refused to interfere, declaring by their vote, "This Assembly conceive that it doth not properly belong to them, or is any wise within their recognizance, to judge or reverse any sentence or judgment passed by the General Court of Tryalls according to law except capitall or criminall cases or mulcts or fines."

Two years later the General Assembly voted, "that in all actional cases brought to the Generall Court of Tryalls, if either plaintiff or defendant be aggrieved, after judgment entered in court, they may have liberty to make their appeale to the next Generall Assembly for reliefe, provided such appeale be made in the Recorder's office tenn days' time after judgment entered as aforesaid; as alsoe such person or persons so appealinge, shall first pay costs of court, and give in bond as in case of review, and thereupon execution shall be stopped till the determination of the Assembly be knowne."

The court of trials from which the right of appeal to the General Assembly was thus given was composed of the governor and the assistants, one from each town, who then sat in the General Assembly as members of that body, and who were constituted a separate house of the General Assembly in 1696. At least, this would seem to be the effect of the act, for it does not expressly provide that the upper house shall sit by itself, only that "all the Deputies of each respective town shall sit as a House of Deputies for the future and have liberty to choose their Speaker among themselves and likewise the Clerk of the Deputies; and that the majority of the Deputies so assembled, shall be accounted a lawful House of Deputies."

The Senate has its part in judicial history. Ex-assistants were allowed to sit in the General Assembly, in the absence of a full delegation from any town. In 1666 the towns of Portsmouth and Warwick petitioned that the deputies should sit apart from the magistrates in a house by themselves, and this was enacted, but in 1672 was repealed and the two continued to sit together until the act of 1696.

The Charter of Charles II provided that there should be ten assistants to be chosen by a general ticket. When the Town of

Kingstown was divided into two towns in 1722, it was provided that each of them should have one assistant. Hence arose the custom of choosing assistants, one from each town. This has continued to the present and the membership of our State Senate consists of one person from each town in the state. It was called at one time the Council; later the Upper House.

In 1688-9 instructions were given by the Board of Trade in England to the Governor of New York, Connecticut, and Massachusetts to inquire into and report upon complaints made against this colony for the independent manner in which its affairs were managed. In the Governor's reply he said: "The Generall Assembly assume a judicial power of hearing trying and determining of civil causes, removing them out of the ordinary Courts of Justice and way of tryall, according to the course of the common law, alter and reverse verdicts and judgments. The Charter committing no judicall power and authority unto them. . . "

We do not find much not already well-known was elicited from this inquiry, but we do notice a general enlargement of powers and duties of the courts following in singular sequence.

In the early times and after the adoption of the 1842 constitution, the judges were paid in part by fees which varied from time to time but were never large. They received a *per diem* for actual service amounting to three or four shillings. In 1778 the *per diem* was increased to thirty-six shillings, and the next year three pounds was allowed each judge. In 1780 the *per diem* was fixed at three pounds for the chief, and two and one-half pounds for each associate. In 1783 the *per diem* was changed to an annual salary of thirty pounds for the chief, and twenty-four pounds for each associate. In 1786 salaries were abolished and the judges left to the mercy of the General Assembly. In 1793 a *per diem* of fifteen shillings was allowed to the chief and twelve shillings to each associate. In 1798 the salary of the chief was fixed at \$500 and that of each associate at \$350 per annum. In 1822 the salaries were reduced, the chief's to \$250 and the associates' to \$200 each. Some of these extraordinary changes may be accounted for by fluctuation of the currency. In 1827 the number of judges was reduced to three and their salaries raised to \$650 for the chief and \$550 for each associate. In 1848 Richard Ward Green received \$900 as Chief Justice. In 1854 the salaries were

changed to \$1,600 for the chief and \$1,500 for each associate, all fees to be turned into the treasury of the state.

In 1856 Samuel Ames was appointed Chief Justice with a salary of \$2,500 and a reporter was appointed with a salary of \$500. In 1857 the salaries of the associate justices were raised to \$1,800 each, and in 1866 Chief Justice Bradley's salary was \$3,500. Two years later the salaries were again reduced. For some years following 1875 the chief had \$4,500 and each associate had \$4,000. The salaries were increased from time to time and at present the salary of the Chief Justice of the Supreme Court is \$9,000 and of each of the four Associate Justices \$8,000, while the Presiding Justice of the Superior Court receives \$8,500 and his six Associate Justices \$7,500 each. Provision of law exists that where a justice, having served twenty-five years, or having served ten years, reaches the age of seventy, he shall be entitled to resign and draw his full salary as long as he lives. At present there are three ex-Chief Justices of our Supreme Court and one ex-Associate Judge drawing their full salaries.

Counting the Judges of the Supreme, Superior, District, and Probate Courts, members of town councils exercising probate jurisdiction, clerks of District Courts, United States District Court Judges, and United States Commissioners, there are two hundred forty-one judges administering justice in the State of Rhode Island, assisted by fifty Masters in Chancery and sixty-one Sheriffs, serving a population of approximately 620,000 people. There is no law requiring judges to be members of the bar or preventing them from practising law, except that a judge of that court must be a member of the bar.

A peculiar feature of our judicial system has always been and now is our probate system. Each town has its probate court, differing from the probate system in Massachusetts wherein a probate court is established in each county. In 1647 the head officer of the town had probate jurisdiction, but in 1674 the town councils became probate courts. If a person died intestate, the code of 1647 vested power in the town council sitting as a court of probate to dispose of his property. Judge Staples, in a work written by him in 1847, called attention to one case in Providence where the council thus disposed of part of the real and personal estate to the widow, part for life and part in fee, and divided

the residue among the children as tenants in tail general, with cross remainders.

In 1663 provision was made for an appeal in probate matters to the Senate or Governor in Council as "Supreme Ordinary of Judge of Probate" which remained law until 1822 when the appeals were addressed to the Supreme Judicial Court, later called the Supreme Court, and at present all probate appeals are made to the Superior Court. As population and education increased, several cities and towns chose a probate court of one judge, in whom was vested the probate jurisdiction formerly exercised by the council. Our probate system is far from ideal, and commissioners on revision of our statutes from time to time have recognized its faults and proposed a different one, but the influence of the towns in the General Assembly has always been strong and effective against the county idea, with the result that our probate system remains now as it has for many years and as it probably will remain for many years to come. No longer do town councils sitting as courts of probate attempt to make or modify the will of any person, because the statutes prescribe clearly the course that wills and estates shall take; but it was a common thing in times past for a town council to distribute an estate in the manner that they thought the testator should have distributed it, taking into consideration sympathy, prejudice, bias, politics, or any other influence they thought advisable or contributed to the wisdom of the result. The fees allowed to members of the town council when they sit as probate judges, and the besetting sin of curiosity often present in country gatherings to know all about everybody else's business, may account in part, at least, for the reluctance to change present methods, and for the defeat of the improved system proposed twice to the General Assembly by different Boards of Commissioners on Statute Revision.

An interesting story is told of a famous, learned and witty Justice who had the habit of adjourning court fairly early from time to time to get a few pulls on his clay pipe. He was sitting with a jury hearing a probate appeal from one of the town councils in the old armory on Benefit Street, in the basement of which was stored a large quantity of arms and ammunition. He took a short recess, as usual, in the middle of the afternoon, and, having had his smoke, returned to the bench. One of the lawyers lived

some distance in the country and was anxious to know what time the court would rise that day, so together with his opponent, politely inquired of the Judge what time he thought the court would rise. The Court replied, "Gentlemen, I am informed on very good authority that there is two hundred and fifty pounds of gunpowder in the basement of this building, and in my opinion the court is apt to rise at any minute."

The division of the state into judicial districts in 1886, which abolished the old justice courts system, has prevailed from thence hitherto without substantial change, and gives satisfaction. The jurisdiction has been increased in civil and criminal matters from time to time and the population of the 1248 square miles that constitute the land and water area of our state is well taken care of. Justices of these courts are permitted to practice in other courts of the state except their own and their duties, except in the large cities, are not onerous.

In the City of Providence there is a police court exercising jurisdiction over violations of the City ordinances, from which an appeal lies to the Municipal Court. Both of these courts are local institutions established and supported by the city, and the Municipal Court exercises probate jurisdiction for Providence. Offenses against ordinances in other parts of the state are cognizable by the district courts of the respective districts in which the offenses are committed.

The lawyers and judges in Rhode Island, the same as in other colonies along the Atlantic Coast, were a convivial lot, and enjoyed more or less the pleasures and pains of the flowing bowl. According to President Emeritus Eliot of Harvard, they had a good example in that both the Pilgrims and Puritans made free use of intoxicating liquors when they could get them and saw no harm in getting drunk either at weddings or funerals; and that under Massachusetts law, when Commencement of Harvard College was a legal holiday, the public and students gathered on Boston Common and had drunken and riotous scenes that the sheriffs had to suppress. In 1769 a telescope was brought from London at an expense of two hundred and fifty pounds by John Brown, and the citizens, particularly the judges and lawyers, were interested in getting a view of the stars and inquiring into the solar system. The subject of their quest was the transit of Venus. They all wanted to see that. The telescope was set up and maintained in a

part of Providence that is now known as Transit Street and was so named because the transit of Venus was observed from that point. In the near vicinity were two rooms that were used for court purposes and close by there were two taverns and one tap house. The transit from tribunal to tavern was easy, refreshments good and cheap, and travel from tavern to transit was as a rule enjoyable. No favorites in the solar system were played and on clear nights the entire firmament was swept with Brown's new telescope in the observation and study of the heavenly bodies. This old telescope is now in the Ladd Observatory of Brown University and is in good condition.

One reason why equity powers were slow in developing in this country is that the principles of equity jurisprudence, jurisdiction and pleading were of slow development in England. Lord Nottingham, "the father of equity," became Chancellor in 1673, but it was not until 1756, when Lord Hardwicke concluded twenty years' service as Chancellor, that equity began to resemble a satisfactory system of jurisprudence. The sources from which a knowledge of equity practice and procedure was derived were known only to the few persons in actual practice in equity courts who had access to such manuscript as a few studious judges and solicitors had made. No treatises on equity existed until after our separation from England; and that is the time the law in the United States branched from its source. The English statutes ceased to apply here and English precedents, though cited and respectfully considered, ceased to be admitted as absolute authority. The General Assembly continued to exercise equity powers after the decision in *Taylor vs. Place* and until the constitution of 1842 put an end to it.

The informal and anomalous methods of administering equity to that time and for some years after was due to the few authorities that could be consulted and the few practitioners who knew anything about equity. It is interesting to note that the General Assembly by positive act claimed that it was in itself a court of equity, and continued to be such a court and acted accordingly, as will be seen from the wording of the following act passed in 1705 entitled, "An Act for the General Assembly to be continued to be a Court of Chancery, until such time as a Court of Chancery can be created."

"Whereas, it hath been represented to this Assembly the great benefit that it might be, to have a Court of Chancery erected and settled in this her Majesty's Collony; but this Assembly having considered the rules and methods for the way and proceedings in such a Court, with the rules and constitutions thereof, being of great weight and concernment, and requires mature consideration for orderly settling thereof, which we conceive cannot at present at this Assembly be settled:

"Therefore be it enacted by the Honorable the Governor with the House of Magistrates and Representatives convened in Generall Assembly, and it is hereby enacted by the authority of the same; That the Generall Assembly at all times convened in Generall Assembly, shall be a Court of Chancery as formerly it hath been, until such time as a more proper Court of Chancery may be conveniently erected and settled."

We are fortunate in having the record easily accessible of a case, that of *Brenton vs. Remington*, in which the General Assembly exercised jurisdiction as a Court of Chancery. As a concrete example illustrative of this exercise of jurisdiction, let us examine this case. Brenton brought an action in trespass and ejectment against Remington, to recover a tract of land that Remington had held for more than twenty years under a mortgage given by Brenton when owner of the land. Judgment was rendered against Brenton in the Court of Trials, whereupon he appealed to the General Assembly, which "being resolved into a General Committee," allowed Brenton to redeem on paying the debt and interest—that is to say, it treated Brenton's appeal as a petition in equity to redeem—in itself a sufficiently remarkable performance to a lawyer of our times.

The report of the proceedings is as follows:

"Both houses being full, resolved into a grand committee, to hear appeals.

"Jahleel Brenton, Esq., appellant, Capt. Stephen Remington, appellee; the vote of the Assembly is as followeth, viz:

"Jahleel Brenton, of Newport, eldest son, and executor of the last will and testament of William Brenton, Esq., deceased, otherwise called Jahleel Brenton, of Newport, aforesaid, Esq., appealing to this Assembly, as a Court of Chancery, for relief against Capt. Stephen Remington, of Jamestown, appellee, for withholding from said appellant a certain tract or parcel of land

with all members of the profession who share a conviction
that public health is the basis of the nation's future.
The American Medical Association is a national organization
of physicians, surgeons, dentists, and other health workers.
It is the only organization of its kind in the world.
It is the only organization that represents the entire
profession of medicine in the United States.

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in the Town of Jamestown, alias Cononicutt, in said colony. The said appellant also praying that the judgments of courts and verdict of juries against the appellant, in an action of trespass and ejectment, brought by the appellant against the appellee, at the Court of Trials, in March and September last past, for illegally withholding from (the said) appellant, the said tracts or parcels of land, aforesaid, of two hundred and fifty-six acres, more or less, may be reversed, and that the appellant may be put in possession of said tracts or parcels of land.

"This Assembly being resolved into a grand committee, as aforesaid, and settled a Court of Chancery or Equity, and hearing the several papers, evidences, and pleas on both sides, and maturely weighing and considering the same, with the circumstances and equity of the whole case; and whereas, the said appellant hath produced several laws which doth plainly hold forth, that upon extraordinary occasion, the mortgager shall have liberty to redeem a mortgage, notwithstanding the twenty years being passed; being the time limited in the law for the redemption of mortgages; and this case appearing to us to be extraordinary:

"Be it therefore enacted by this present Assembly and the authority thereof, that the said Jahleel Brenton, appellant, hath hereby liberty to redeem the mortgage of the above said lands and premises, he paying the principal money, with the interest, and lawful charges thereon, according to the purport of said mortgage; and the appellee to pay the charges in this Assembly.

"Upon which vote of the Assembly, Major Nathaniel Doddington, one of the attornies for the Appellee, appeals to her Majesty in Council, in the Kingdom of Great Britain."

The subsequent "Proceedings of the General Assembly held for the Colony of Rhode Island and Providence Plantations, at Newport the 27th day of February, 1711-12," were as follows:

"Whereas, this Assembly having taken into their serious consideration their jurisdiction and authority as an Assembly, for the trial and determination of appeals from the Court of Trials, especially respecting title of land; together with the judgment and determination of her Majesty and council upon the appeal of Remington against Brenton, wherein the proceedings of the assembly were utterly condemned:

"Whereupon, notwithstanding a former act of this colony, which hath constituted and empowered the Assembly to be a Court of Chancery, we judge that they had no power or authority to make any such law, by reason we cannot find any precedent, that the legislators or Parliament of Great Britain, after they had passed an act or law, took upon themselves the executive power or authority of constituting themselves the Court of Chancery, or any other Court of Judicature:—

"Yet, notwithstanding, considering the power and authority of the General Assembly of this colony, granted them by, and in our royal charter, do find that their power and authority is very large, and copious as legislative, to make laws and constitute courts of judicature for trial and decision of all matters and cases happening within this colony or government, as they shall judge proper, according to the constitution thereof, so as they be not repugnant, but as near as may be agreeable to the laws of England:

"Therefore, be it enacted by this present Assembly, and the authority thereof and it is hereby enacted, that the law of this colony, which constitutes, authorizes and empowers the Assembly to be a Court of Chancery, shall be, and is hereby repealed, made null and void, and of non-effect; and that no appeal from the Court of Tryals for the future, be granted, allowed or brought before the Assembly of this Colony; and that the gentlemen appealing to this Assembly be dismissed, without any cost, save officers' fees.

"And also, that the Assembly of this colony, according to, and by virtue of, their power and authority afore recited, shall erect, set up and establish a regular Court of Chancery, within this government according to the methods and precedents of Great Britain; any act or acts, law or laws of this government to the contrary thereof, in any wise notwithstanding.

"Always provided, the said appeals may be by way or petition to this, or any other Assembly in this colony, have relief in any matter or thing that may be cognizable before them; or that may at any time hereafter, when a proper Court of Chancery be stated, have their appeals continued to said court of relief, if they shall think fit to prosecute the same."

In 1741 it had become so evident that there should be a change made and that the General Assembly should cease to exercise

chancery powers, at least to a certain extent, that an act was passed "for appointing and erecting a court of equity, to hear and determine all appeals in personal actions from the judgment of the superior court."

A court of five judges was elected, to be chosen annually, to hear all such appeals, "to give a determination on said appeals, by affirming, reversing or altering the judgments of said superior court, agreeably to law and equity, in as full and extensive manner as the General Assembly hath been accustomed to do."

But for some reason that does not appear upon the record, it would seem that this system did not work satisfactorily, for in 1774, this act was repealed, the preamble of the repealing act stating: "It is found by experience that the trial of causes by the said court of equity is inconvenient, and a great grievance to the inhabitants of this colony."

The General Assembly also assumed unto itself another of the powers exercised by a court of equity—the power to punish for contempt. In 1757 we find that—

"Whereas, Samuel Thayer who was apprehended and brought before this Assembly, at their last session, for grossly abusing them, has not yet made satisfaction for the same,—

"Be it therefore resolved by this General Assembly, and by the authority thereof, it is resolved, that the said Samuel Thayer be immediately apprehended and committed to his Majesty's jail, in Providence, for his said abuse, and there remain confined, until further orders from this Assembly."

It would seem, however, that Samuel Thayer had not been imprisoned, for we find the order was repeated sixteen days later. A similar instance is to be found occurring the same year.

It is an undoubted fact that appeal lay to the privy council in England and it is equally clear that the General Assembly of this colony had no power whatever over such appeals. Yet in 1771 the General Assembly attempted to limit this absolute right, by a resolution "that no person or persons whatsoever, shall hereafter be allowed or permitted to appeal to his Majesty in Council in Great Britain, from the judgment of the superior court of judicature in this colony, for any matter or thing whatsoever, unless the matter or thing in controversy be of the value of \$300 lawful money, to be valued by the court where the appeal

shall be prayed; any law, custom or usage to the contrary hereof in any wise, notwithstanding."

It is to be presumed that this was the act that was repealed in 1775. Whether it was repealed because of doubt as to the legality of the act, or because it was intended to put a stop to all appeals to the privy council, does not appear. This repealing act was passed in June, 1775, only two months after the affair at Lexington and Concord and three years after the destruction of the "Gaspee."

Another interesting exercise of power by the General Assembly is shown by the act passed in 1780, establishing a court of admiralty in this state. When we joined the Union nine years later, of course all jurisdiction in admiralty became vested in the courts established in pursuance of the Constitution, and this ended the exercise of power over admiralty matters by the General Assembly. It is one of the curiosities of legislation in Rhode Island that the Code of 1647 adopted the Laws of Oleron. "It is ordered that the Sea Lawes otherwise called the Lawes of Oleron shall be in force among us for the benefit of Seamen (upon ye Island) and the Chief Officers in the Towne shall have power to summon the Court and determine the cause or causes presented." As this was never repealed, it follows that these laws remained in force until Rhode Island lost jurisdiction over all matters in admiralty by the adoption of the Constitution of the United States.

The Constitution of 1842, brought about great changes in the exercise of judicial powers by the General Assembly, although it was not until the decision by Judge Ames in the great case of *Taylor vs. Place*, in 1856, that the General Assembly was brought to a realizing sense of the fact that it could no longer exercise judicial powers either in law or equity.

Article III of the Constitution provides that "the powers of the government shall be distributed into three departments—the legislative, executive and judicial."

Article X, Section 1, provides, "The judicial power of this state shall be vested in one Supreme Court, and in such inferior courts as the general assembly may from time to time, ordain and establish."

There was no explicit statement that the General Assembly should no longer exercise any judicial power. Partly because

of this omission, partly because the General Assembly always had exercised judicial powers, it continued still to exercise them after the adoption of the Constitution, sheltering itself under the vague Section 10 of Article IV: "The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this Constitution."

Taylor vs. Place was brought to the Supreme Court in 1856 to test the constitutionality of an act of the General Assembly granting a new trial in a case brought by the Places in consequence of their having petitioned for such a new trial, the case having been decided against them. James Tillinghast was attorney for the Taylors, who were resisting the attempt to grant a new trial, and who, therefore, maintained that the General Assembly could not grant a new trial, as that would be the exercise of judicial power which is forbidden by the Constitution. With Mr. Tillinghast, was associated Charles S. Bradley, afterwards Chief Justice. So ingrained was the notion in Rhode Island at the time that notwithstanding the Constitution, the General Assembly could still continue to exercise judicial powers, many members of the bar were convinced that the court would sustain them in the exercise thereof. But in a masterly decision that should be studied by every educated man in Rhode Island, who would know the history of the state, Judge Ames held that ours is a government of three co-ordinate departments—the legislative, the executive and the judicial—and that the grant of judicial powers to the judiciary is the exclusion of the right to its exercise by the legislature.

In 1822 the Supreme Judicial Court consisted of one chief justice and four associate justices. The law provided that "they or any three of them shall be a court." It is obvious that under this law there could be but one Supreme Court, and this was as it should be. But in the Public Laws of 1844, it is enacted: "Sec. 13. Said court shall consist of one chief justice and three associate justices, and they or any two of them shall be a court."

It is clear that if two judges should constitute a court under this section, there could be two supreme courts at the same time, each composed of two judges. This is interesting and also important, for we find here the germ of the difficulty that finally culminated in the amendment to the Constitution, adopted in 1903. The possibility of these two supreme courts must have presented

itself to the minds of the drafters of this law; but they relied, in all probability, upon Article X, Section 1, of the Constitution, then only two years old, that provided "The judicial power of this state shall be vested in one supreme court."

Of course it was not probable that two judges should call themselves the court and that the other two should array themselves against them and say, "We are the court." In that case either set of two judges had as valid a claim to be considered the court as the other; but fortunately the difficulty never arose. It was possible, however, whenever a quorum was constituted of less than a majority of the court with authority to hold separate courts, as a Division "by one or more of the justices."

Under the revision of the laws in 1857 the same possibilities of difficulty were continued. Section 1 of Ch. 164 provided that the Supreme Court shall consist of a chief justice and three associate justices, while Section 28 provided that "any two of said justices shall be a quorum of said court for all purposes and business whatsoever." Under this language it might perhaps be claimed that in case of conflict, the first two judges that met together, as they constituted a quorum, constituted also the one supreme court contemplated by the Constitution. In this case the victory would rest with the two judges that met together first as the court, in any unseemly scramble or race for the court house. The contingency never arose but it was possible, and such a possibility was never contemplated when the Constitution was drawn. Section 29 provided that, "The said court may be held by different Justices thereof, at the same time and in different places, in the same or some other county, for all purposes, civil or criminal, proper to the court as constituted."

The same state of things was continued under the revision of 1872. Section 1 of Ch. 181 provided that, "The supreme court shall consist of a chief justice and three associate justices, to be elected, commissioned and to hold their offices as prescribed in the constitution, and any two justices thereof shall constitute a quorum."

In 1875 the increase of business before our courts led to an increase in their number. Ch. 458 of that year increased the number of judges to four, and this was continued in the revision of 1882. See Ch. 192, Sec. 1. "The Supreme Court shall consist of a chief justice and four associate justices, to be elected, com-

missioned and to hold their offices as prescribed in the constitution." Section 3 provided as before that "any two justices thereof shall be a quorum for all purposes whatsoever."

Although ten different combinations of the five judges were possible, there could be but two courts sitting at the same time, except in those minor affairs where the law provided that one judge could sit alone. In May, 1891, another associate justice was added to the court; in January, 1897, another was added and a quorum was made to consist of three judges.

Until 1906 the Supreme Court consisted of the chief justice and six associate justices. As the number of justices of the court increased, while the number necessary to constitute a quorum remained less than a majority of the whole number, with power to divide the court, the possible number of supreme courts increased rapidly. A radical change, but one of doubtful validity, was made under the revision of 1893, due in part to the fact that although we have continued to have a Supreme Court and also a court of common pleas, the jurisdiction of the Supreme Court has never been limited to the proper functions of a supreme court, the determination of all questions of law and of equity as a court of last resort upon appeal from the court below, but it has been made also a court of first instance concurrently with the court of common pleas, although, as required by the Constitution, it has remained our only court of equity. The radical change about to be explained was also partly due to the fact above set forth, that a quorum was made up of less than a majority of all its members, thus leaving it possible to have many supreme courts. But this is practically what was done, for under the Judiciary Act and the revision of 1896 the Supreme Court was split into two divisions—the appellate division and the common pleas division—thus making in effect, two courts out of the Supreme Court, although the Constitution says there shall be but one Supreme Court.

It was provided by the Judiciary Act that the appellate division of the Supreme Court should consist of the chief justice and two associate justices to be designated from time to time by the chief justice. One judge was constituted a quorum for certain purposes; three, a quorum for all purposes, and two, when both parties consented; and when another judge was added to the

court by Ch. 451 in January, 1897, no change was made in this respect.

The common pleas division of the Supreme Court was made to consist of the four remaining judges and one judge was made a quorum for all purposes. Ch. 223. It was provided "that whenever practicable as many more than three as possible of all the justices of the Supreme Court shall sit in the appellate division in the hearing and determination of constitutional questions." In this respect the Supreme Court remained the Supreme Court contemplated in the Constitution.

There was dissatisfaction among the members of the bar with this condition. It ought not to be possible to get around the provision of the Constitution that there shall be "one Supreme Court" by the simple expedient of splitting up the Supreme Court into separate courts and calling each one a division of the Supreme Court. Any attempt to divide a court that the Constitution declares is *one court*, must be illegal. The jurisdiction vested by the Constitution in this *one court*, cannot, by any device, be taken away from the whole of this one court and parceled out among divisions thereof. It followed that the appellate division of the Supreme Court created under General Laws. Ch. 222 was not the Supreme Court contemplated by the Constitution. Nevertheless the Supreme Court upheld the validity of such legislation in the case of *Mainz vs. Lederer*, 24 R. I. 166, in 1902, and decided that the Act of the General Assembly, creating an appellate division of the Supreme Court and limiting the number of its justices to four was constitutional; although the Supreme Court consisted of seven justices.

The case of *Floyd vs. Quinn*, 24 R. I. 137, in 1902, was another of the decisions of the Supreme Court of Rhode Island, the effect of which was still further to subordinate the court to the will of the legislature. The Court held that under the State Constitution, Article X, Section 2, providing, "The several courts shall have such jurisdiction as may from time to time be prescribed by law," the General Assembly could regulate the jurisdiction of all the courts, and could give full jurisdiction to a minority of the justices to act for the court.

If the argument was sound that the one court established by the State Constitution cannot be broken up into separate courts by calling them divisions of the Supreme Court, it followed

that chancery powers can be exercised only by the "one Supreme Court" established by Article 10, Section 1. Section 2 provided "Chancery powers may be conferred on the Supreme Court, but on no other court to any greater extent than is now provided by law." In *Williams vs. Stearns*, 126 Fed. Rep. 211, it was claimed that the decree in equity rendered by the three justices constituting the appellate division of the Supreme Court, sitting in equity, was not a decree in the exercise of the chancery powers conferred by the Constitution upon the Supreme Court, because not passed by a majority of the justices of the Supreme Court sitting in equity. The decree was contested in the United States Circuit Court for the District of Rhode Island, upon the ground that the course of the State Supreme Court was not "due process of law." The United States Court declined to grant relief.

To allay dissatisfaction and to remove doubt of constitutionality, the General Assembly passed a resolution on March 29, 1901, submitting to the people an amendment to the Constitution, the effect of which was to embody in the Constitution itself the existing division of the Supreme Court into an appellate division and a common pleas division; but the bar, practically to a man, was against it, and a committee of their number in conjunction with the lawyers in the General Assembly studied into the troublesome situation and proposed a substitute which was adopted by the General Assembly and submitted to the people November 3, 1903, and by them approved. It is Article XII and reads as follows:

ARTICLE XII.

"Section 1. The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall always be necessary to constitute a quorum. The inferior courts shall have such jurisdiction as may, from time to time, be prescribed by law.

"Sec. 2. The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the Governor or by either house of the General Assembly.

"Sec. 3. Sections 1 and 2 of this amendment shall take, in the constitution of the state, the place of sections 2 and 3 of Article

X., entitled "Of the Judicial Power," which sections are hereby annulled.

"Sec. 4. Section 3 of Article XIV of the constitution of the state, entitled, 'Of the Adoption of this Constitution' is hereby annulled.

"Sec. 5. The general assembly shall provide by law for carrying this amendment into effect, and until such provision shall be made the supreme court, as organized at the time of the adoption of this amendment, shall continue to have and exercise the same powers and jurisdiction which it shall then have under such organization."

Upon the approval by the people the General Assembly created a Superior Court and enacted legislation made necessary by the amendment, and since that time our judicial system has been all that could be desired and gives general satisfaction to all who have to do with it.

"The moving finger writes; and having writ,
Moves on; nor all your piety or wit
Shall lure it back to cancel half a line
Nor all your tears wash out a word of it."

O. Khayyam 1123

THE CONNECTICUT IRISH IN THE REVOLUTION.

Numerous Celtic Names Listed in the Muster Rolls.

BY MICHAEL J. O'BRIEN.

The story of the part played by the Irish in the Revolution has already been related by the author, after many years research, and according to data secured from the records, it is shown that the Irish and their American-born descendants constituted 38% of the fighting men who comprised the patriot forces in the Revolution.¹ Since this work was published, attempts have been made to break down the author's premises and conclusions, but without avail, and the figures stand as a challenge to those who claim that the War of the Revolution was "a contest between men of the same race and blood," meaning by that, that it was a fight between Englishmen on the one hand and Englishmen on the other. In the Connecticut and Massachusetts regiments, as is to be expected on account of the preponderance of the English element, the Irish proportion was far below 38%, but the low percentages in those Colonies are offset by the large numbers of Irishmen who enlisted in Pennsylvania, Maryland and Virginia. In the list of Revolutionary soldiers of Connecticut, are noted many bearing names so distinctively Celtic as to preclude any question of their racial origin, and while the nativity of the men is rarely stated in the muster-rolls, there is reason for saying that a large proportion of them were natives of Ireland.

In view of the general misunderstanding as to the racial composition of the Revolutionary troops, especially those raised in New England, this list is significant. And if it is examined impartially and the facts are considered with the other data already related in the Journal of the Society, showing that in earlier days the Irish, as well as people of other races, came to New England to cut down the forests and till the soil, to bridge the streams and lay out the highways, to fight the battles of the colonists and clear the way for the march of civilization, it will hardly be denied that they contributed something to the work of nation-building in America and that the Irish are entitled to

¹ See *A Hidden Phase of American History*, by Michael J. O'Brien; New York, 1919.

less obscure recognition than has been accorded them in the pages of American history.

Assuredly, American citizens of Irish blood have reason to be resentful at those historians who left their people out of history and claimed that the English alone bore the burden in the making of America. And, since Americans are a generous and liberty-loving people, since they are willing at all times to lend an ear to just and proven claims and "give credit where credit is due," it is reasonable to suppose that if these facts had not been withheld from the public, Americans of every racial stock would have been prompt to admit that Ireland is entitled to the gratitude of this nation, and would have taken a more decided stand on the question of Ireland's freedom when that question was being agitated in this country a few years ago. And in support of that assertion, all that need be pointed to is the official report of October 23, 1778, from General Sir Henry Clinton, Commander-in-Chief of the English armies in America, to Lord George Germain, English Secretary of State for War, in which he said that "the Irish emigrants (in the Continental army) are in general to be looked upon as our most serious antagonists!"² On that statement alone the Irish can rest their case.

While it may be expected to find Irishmen among the Revolutionary troops from those sections of the Colonies beyond the Delaware River, I venture to say that the average reader will be surprised to learn that so many of the same race were recruited in the Connecticut towns, because, as already pointed out, the general public have been led to believe that Connecticut was wholly an English colony, and that all who fought for the independence of their country were of English blood. Yet the sons of Ireland and their descendants were also to the fore in goodly numbers. They went forth to fight, shoulder to shoulder with their "Yankee" neighbors; their blood dyed the same Revolutionary battlefields; they fought in the same trenches and for the same cause; Catholic Irishmen and Protestant Irishmen, descendants of the Puritans and the Pilgrims, patriots all, lie side by side mouldering in the same graves.

And let it be recorded also to the credit of the race, that when the war clouds first loomed in the sky and a conflict with England

² This report is now in the Public Record Office at London. See photographic reproduction of it in *A Hidden Phase of American History*.

seemed inevitable, there were Irishmen and their sons in America ready to throw in their lot with their fellow colonists in the fight for independence, and in many places throughout the country, as the records clearly show, they rushed to arms at the first call. For, after all, that is what best tells the story of their patriotism, the fact that in the beginning of the revolt they were not among the wavering and the doubtful, that they were eager to go forward against their ancient enemy and help to establish upon this Continent a government of freemen, for freemen and by freemen. And, while the Irish naturally were in the minority in the Connecticut regiments, we find many men bearing old Irish names mustered into the companies that were hastily formed soon after the news from Lexington reached the towns and settlements, or who enlisted in the early summer of 1775, and many of these fought at the battle of Bunker Hill.

Three Connecticut regiments were at Bunker Hill, *viz.*—the Second Regiment commanded by General Joseph Spencer, the Third under General Israel Putnam, and the Sixth under Colonel Samuel H. Parsons, and the conduct of these troops is mentioned in terms of high commendation in private letters and journals of the time. The men of Bunker Hill are the imperishable heroes of our history, and it is proper that those of the Irish race who marched from the Connecticut towns in the regiments of Spencer, Putnam and Parsons and fought in this memorable battle, should have a separate place in this book. These men were:

Peter Burn	Joseph Gleason	James McCarthy
Benedict Carey	Samuel Gleason	John McCarthy
George Carey	Cornelius Griffin	Thomas McCarthy
James Carey	James Griffin	James McCue
John Carey	Herman Higgins	James McDonald
Joseph Carey	William Higgins	John O'Brien
Thomas Carney	Arthur Keefe	Cyrus Powers
Daniel Carroll	Benjamin Kelley	Edward Powers
Daniel Carthy	David Kelley	Timothy Powers
Patrick Colbert	Charles Kelly	David Quinley
Benjamin Collins	Joseph Kennedy	Daniel Rice
"Dan" Collins	Patrick Leonard	Stephen Rice
John Conley	Thomas Lyons	William Rooney
Jeremiah Connell	Roger Manning	Michael Ryan
Matthew Cummings	Edmund Murphy	Cornelius Savage
Stephen Cummings	James Murphy	George Sexton
James Dady	Thomas Murphy	Joseph Sexton

David Dorrance
William Dowley
Michael Eggin
Michael Flinn

William McBride
William McCarney

Timothy Shay
Lawrence Sullivan
Daniel Tracey
David Whaley

All of these men enlisted during the first two weeks of May, 1775, and among those who joined the Fourth and Fifth Connecticut Regiments under Colonels Hinman and Waterbury, respectively, in the same month, but who did not serve at Bunker Hill, we find:

Thomas Byrne
Michael Burn
Jeremiah Callahan
Miles Cantey
William Coleman
Edward Collins
Andrew Doherty
James Danieleley

Morris Griffin
Charles Gorman
Thomas Heney
Robert Hanley
Patrick Kenny
Reuben Kenny
Bryan Kilkelly
Robert Lyons

"Jere McCartee"
William McKee
John McKee
Charles McDoniel
Charles Powers
Timothy Rice
John Sullivan
Luke Welch
Robert Welch

Besides these, there are listed in Connecticut records, among men enrolled during the early summer of 1775, men named:

Barry
Barrett
Carroll
Casey
Cockran
Coggins
Connelly
Corbett
Curley
Daly
Doyle

Dalton
Donnell
Duffy
Dunn
Dunphy
Fitzgerald
Hayes
Kane
Keeney
Madden
Mahan

Molloy
Moran
McCall
McNeil
McCurtin
McKenney
McMullen
McNulty
Nevins
Nugent
Riley

Of the fourteen Connecticut soldiers killed at Bunker Hill, the only Irishman was Matthew Cummings, a private in Putnam's Regiment, but it will be of interest to state that among the 126 others who fell on this historic battlefield, there were private soldiers belonging to Massachusetts and New Hampshire regiments, named.³

³ The names of these men are inscribed on the Bunker Hill Memorial Tablet on Winthrop Square, Charlestown, Mass.

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John Barrett
Joseph Broderick
Daniel Callahan
Thomas Collins

Caleb Dalton
John Dillon
Thomas Doyle
William McCrillis

Daniel McGrath
James Patten
Peter Poor
George Shannon

Major Andrew McClary, an Irishman, of Stark's Regiment, also was killed in the battle, and besides the Daniel McGrath of Colonel William Prescott's Regiment, numbered among the killed, there is a John McGrath, private of Colonel John Patterson's Regiment, listed as "wounded 17th. of June and died 20th. September," although it does not appear that Patterson's Regiment took part in the battle at all.

It is interesting to group some of the Revolutionary soldiers by surnames, as showing the number of each family name recruited in Connecticut. "Kelly, Burke and Shea," the three names immortalized by Joseph I. C. Clarke in "The Fighting Race," are all represented in the Connecticut rolls. Of the Kellys, we find Benjamin, Beriah, Charles, David, James, Jeremiah, Job, John Joshua, Moses, Matthew, Oliver, Peter, Samuel, Thomas and Timothy, all of whom, of course, were not Irishmen, but were descendants of earlier Irish immigrants. Four separate and distinct John Kellys have been traced and Peter Kelly received a commission as Ensign of the Seventh Regiment of Militia in December, 1776, making twenty in all of that name who served with the Connecticut regiments in the Revolution. There were three soldiers named Burke, John from Milford and George and Thomas from Hartford, and another Thomas Burke was a seaman on the Connecticut ship, *Oliver Cromwell*. John Burke served with the Connecticut company in "Congress' Own Regiment" for nearly seven years, from the date of his enlistment, on January 1, 1777, to the close of the war, and was in the battles of Brandywine, Germantown, Monmouth, at the siege of Yorktown and in several minor engagements. There were three Sheas, all of whom are recorded as "Shay," Timothy in the Sixth Regiment of the Continental army, Daniel in the Ninth Militia and William Shay who was commissioned Ensign in the 24th Regiment of Militia in May, 1777.

There were two Byrnes and five whose names are recorded "Burn." Thomas Byrne was made a sergeant of the Fourth Continental Regiment on May 19, 1775, and William Byrnes joined the crew of the *Oliver Cromwell* on March 19, 1778; Michael

Burn joined the Fifth Regiment on May 9, 1775, and three days later Peter Burn enlisted in the Sixth Regiment, both of the Continental army. James Burn served in the Third State Regiment in 1777; Thomas Burn of Simsbury appears among Connecticut soldiers who "received Town Bounties before 1780,"⁴ and on September 27, 1782, the *Connecticut Gazette* published a petition "to the Printers of Connecticut" on behalf of a number of prisoners of war, then on the prison ships in New York harbor, appealing to them to urge their friends at home to work for their speedy exchange. One of these was "Timothy Burn of New London."

Of the Bradys, we find: David, who enlisted in Colonel Samuel Elmore's regiment on April 16, 1776; Christopher, mustered into Colonel Moses Hazen's regiment on January 1, 1777; Stephen who served in Colonel Obadiah Johnson's regiment at the battle of Rhode Island, and a Christopher Brady of Norwich also joined the Fourth State Regiment on September 8, 1778.

Jeremiah Calahan of New Fairfield was enrolled as a private in the Fifth Connecticut Regiment on May 27, 1775; but his name is missing from the roll after August 10, 1775, on which date he was recorded "sick at New York." Thomas Callihane enlisted "during ye warr" from the town of Woodbury in a company recruited there by Captain Hurburt for Colonel Mosely's regiment of the Fourth Brigade of Connecticut Militia on May 1, 1778, and Andrew Callahan of Simsbury was enrolled as "a six months man" in Captain Ward's company of Colonel Philip Bradley's regiment on July 1, 1780.

There were three Carrolls, *viz.*—Daniel, whose name is on the muster-rolls as "Carryll," who was with Putnam's regiment at Bunker Hill; John Carroll of Simsbury who enlisted as a private in Sheldon's Light Dragoons on January 1, 1779, and as "John Karril of Symbsb" he is listed among "Soldiers of the Connecticut line, 1777-1781, who received supplies for the support of their families." Another John Carroll served as a marine on the Connecticut frigate, *Trumbull*.

There were at least three Caseys. James Casey was enrolled as a private in the Seventh State Regiment on June 6, 1775; Daniel "Kasey" served in Colonel John Douglas' regiment in 1776;

⁴ *Public Records of Connecticut*; Vol. 12.

John Casey enlisted as a drummer in the First State Regiment on January 1, 1781, and it is entirely probable that James Case, a soldier of Colonel Wells' regiment in 1778, was a Casey, since he is referred to as "a native of Ireland".⁵

Six Clarys or Clearys are on the Connecticut rolls. James Clary joined Burrall's Regiment on February 6, 1776; Daniel Clary, Sheldon's Light Dragoons, on July 20, 1778; Samuel Clary was mustered into the same organization on March 10, 1782; John and James Cleary enlisted in the Sixth State Regiment on June 15, 1778, and July 1, 1780, respectively; and Luke Cleary served with a Litchfield company.

Christopher Cockran of New Milford was mustered into Colonel Mosely's regiment by Captain Branch on May 1, 1778, "for the war"; John Cockran in the Seventh Regiment, Continental Line, on July 13, 1775, and a John Cockran is referred to in the proceedings of the General Assembly in 1779 as "Captain and Commissary" of Connecticut troops. He was a native of Ireland.

Men named Collins are well represented in the Connecticut rolls. Benjamin Collins joined the Third Regiment of the State Line on May 8, 1775, and on the same day Daniel Collins was made a sergeant of the Sixth Continental regiment. Edward Collins joined the Fourth Regiment of the Continental Line on May 11, 1775; William Collins was a corporal in the First State Regiment, date of enlistment January 1, 1777; Dennis Collins served in Captain Gamaliel Northrop's Ridgefield company in 1776 and on January 7, 1777, a man of the name enlisted as a private in the Fifth State Regiment. Michael Collins was a private in the Connecticut Regiment of Artillery Artificers in 1777, and Robert Collins served as a private in Colonel Belden's Regiment of Wolcott's Brigade in the same year. Daniel Collins was enrolled as a private in the Seventh State Regiment on June 26, 1780; John Collins was "Deputy Commissary of Military Stores," and a reference to him in a Hartford newspaper, *The Connecticut Courant and Weekly Intelligencer*, in 1780, said he was "a native of Ireland, 26 years old," and it is probable that the John Collins, who in October, 1780, was commissioned by the General Assembly "Captain of the Third Company of the Alarm List in the First Regiment of this State", was the same man. Among the officers

⁵ *Connecticut Gazette*, August 18, 1780.

the Chinese government's policy of 'one country, two systems' for Hong Kong and Macao. The government has also been successful in attracting foreign investment and in developing its own economy.

The Chinese government has also been successful in developing its own economy. It has been able to attract foreign investment and to develop its own economy. The government has also been successful in attracting foreign investment and in developing its own economy.

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we find Daniel Collins of Meriden, who in November, 1776, was appointed Ensign in Captain Augustus Collins' company of Colonel Thaddeus Cook's Battalion, and in May, 1777, the General Assembly authorized that a commission be issued to "Dan" Collins as Lieutenant in the Seventh Regiment of Militia and later he was promoted to Captain of the fifth company of the "Alarm List" in the Tenth Regiment. He served gallantly in the defence of New Haven in July, 1779.

Connell appears several times in the rolls, although it is possible that only two different men are referred to, and Conley or Connolly turns up five times, besides Patrick "O'Colony" or O'Connolly who served in a company raised in Windsor. Jeremiah Connell enlisted for three years in the Third Regiment under Colonel Israel Putnam on May 6, 1775, and after the battle of Bunker Hill he was transferred to the Eighth Regiment. A "Jeremiah Cunnell" appears in the rolls of McLellan's Militia Regiment as of July 1, 1778, and Jeremiah Connell in Captain John St. John's Connecticut Light Infantry Company in 1781. Private Darby Connell joined the Third Regiment of the State Line on June 7, 1777. John Conley of Suffield enlisted as a fifer in Captain Oliver Hanchett's company, Second State Regiment, on May 12, 1775, and was at Bunker Hill; in September following he was one of the men detached for Arnold's expedition to Canada, and in December, 1775, he was at the siege of Quebec. John Conneley was entered as a private in the Eighth Regiment of the Continental Line on July 11, 1775; a John Connolly appears in the roll of the First State Regiment as of December 9, 1776; private James Connolly joined Sheldon's Light Dragoons on January 25, 1777, and John Conley of Stratford enlisted as a trumpeter in the same organization on March 4, 1777. There was also a private "Dominick Coloney," whose proper name is assumed to have been Connolly, enrolled in Colonel Elmore's regiment on May 10, 1776.

Two men named Conner served as seamen in the Connecticut Navy, John on the brig, *Defence*, in 1775, and Patrick Conner who joined the crew of the *Oliver Cromwell* on June 10, 1777. Daniel Conner was a private in Knowlton's Rangers in 1776; John Connor enlisted in the Third State Regiment on December 15, 1776; Matthew Connor in the First State Regiment on January 5, 1777; a John Conner served as a private soldier under Colonel Samuel

Wylls in 1777 and Joseph Conner was made corporal of Sheldon's Light Dragoons on March 1, 1777.

Michael Dalton enlisted as a private in the First State Regiment on May 11, 1775; John Dalton in Colonel Elmore's regiment on August 24, 1776, and "Corporal Richard Dalton of Groton," "John Dugan of Preston," and "John Duggin of Pomfret" are listed among a number of Connecticut soldiers who, in 1780, were allowed supplies for the support of their families.⁶ James Dugan of Canterbury, a native of Ireland, served in Captain Tyler's company of Colonel Durkee's regiment in 1779, and he again appears in the roll of Captain Rogers' company of the Third State Regiment as of January 1, 1781, for three years service. In a return of men of the 21st. Regiment of Militia in March, 1778, one of the entries, referring to a private soldier named Richard Dugan, reads thus: "Rdugen an Irish Man of Canterbury."

The name Daly, with its several variations in spelling, occurs ten times in the Connecticut Revolutionary rolls. Jeremiah Daly was the first in the field when in April, 1775, he joined a company of Minute Men raised in his home town, Wethersfield; Joseph Dailey was enrolled as a drummer in the Eighth Regiment of the State Line on July 9, 1775; in the next year we find James Daley, a private soldier in Colonel Gay's Battalion of Wadsworth's Brigade; a James Dailey of New Milford joined the Seventh Regiment, State Line, on May 27, 1777, and a man of the name joined the Connecticut Corps of Sappers and Miners on August 1, 1780. David Dailey and Obadiah Dailey served in Elmore's and Burrall's regiments, respectively, in 1776; Joseph Daly enlisted in Colonel Flowers' Regiment of Artillery Artificers on December 1, 1778; William Johnson Daly of Pomfret in the Fourth Regiment of the State Line on July 1, 1780, and John Dailey in the Third State Regiment on July 23, 1781.

Andrew Doherty joined the Fifth Regiment of the State Line on May 8, 1775; "Andrew Doghardy of Stamford" is on the roll of Captain Lockwood's company of Mead's Regiment as of May 1, 1778, and on the same day soldiers named Daniel Shay, Thomas Mitchel, John McDonald, Charles Powers, William Kennedy and John McNally, all of Stamford, were mustered into the same regiment by Captains Bell and Lockwood. In this regiment also

⁶ *Public Records of Connecticut*; Vol. 12.

the first of these was the establishment of the
first American newspaper in 1774.

The second was the establishment of the
first American university in 1783. The third
was the establishment of the first American
bank in 1791. The fourth was the
establishment of the first American
railroad in 1825. The fifth was the
establishment of the first American
steamship in 1807. The sixth was the
establishment of the first American
telegraph in 1844. The seventh was the
establishment of the first American
airline in 1914. The eighth was the
establishment of the first American
radio in 1906. The ninth was the
establishment of the first American
television in 1928. The tenth was the
establishment of the first American
atomic bomb in 1945.

The tenth was the establishment of the first American
atomic bomb in 1945. The eleventh was the
establishment of the first American
space program in 1957. The twelfth was the
establishment of the first American
computer in 1946. The thirteenth was the
establishment of the first American
jet airplane in 1942. The fourteenth was the
establishment of the first American
nuclear power plant in 1954. The fifteenth was the
establishment of the first American
satellite in 1958. The sixteenth was the
establishment of the first American
space shuttle in 1981. The seventeenth was the
establishment of the first American
space station in 1990. The eighteenth was the
establishment of the first American
space shuttle in 1981. The nineteenth was the
establishment of the first American
space station in 1990. The twentieth was the
establishment of the first American
space shuttle in 1981.

The twentieth was the establishment of the first American
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space shuttle in 1981. The twenty-ninth was the
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space station in 1990. The thirtieth was the
establishment of the first American
space shuttle in 1981.

there were men named Michael, Luke and Robert Welsh, Patrick Downs, Michael Bowen and James Daly, all from the vicinity of Stamford. James Dougherty of Glastonbury enlisted in the Connecticut Regiment of Artillery Artificers on April 1, 1777; Daniel Dougherty of Windham in the Fifth Regiment of Militia on January 1, 1779, and John Doherty of New London served as a marine on the *Oliver Cromwell* in 1777.

On February 6, 1777, Patrick Donally enlisted "for the war" from the town of Lyme in Captain Christopher Ely's company, First Regiment of the State Line, and was made a sergeant, but was discharged on September 24, 1778, on account being "disabled." On the same day that Patrick Donally enlisted, William Donley enrolled as a private in the same regiment; James Danieley enlisted in the Fifth State Regiment on May 19, 1775; Francis Doneley of Norwich in Colonel Henry Sherburne's regiment on February 27, 1777, and a Francis Donily served with the Seventh Connecticut Regiment in 1780.

Daniel Dunavon and Darby Donivan, brothers, both residents of Plainfield, enlisted as privates in the First Regiment of the Connecticut Line, Daniel on June 1, 1777, and Darby on July 10, 1781. The former again appears as "Daniel Donvon of Plainfield," enlisting "for three years or during the war" in the 21st. Regiment of Militia in March, 1778, and a Daniel "Donowon" is on the roll of Captain Branch's company of Huntington's Regiment in 1779. William Dunivan was a trooper in Sheldon's Light Dragoons in 1777 and Abraham Dunnivan was enrolled in Colonel Canfield's Regiment of Militia in September, 1781.

Of the Doyles, at least four and possibly five soldiers of the name served with the Connecticut troops. John Doyle of Wethersfield joined a company of Minute Men raised in that town in 1775 and marched to Boston; in the next year James Doyle served in Colonel Gay's Battalion of Wadsworth's Brigade; Hugh Doyle enlisted "for the war" in Captain Jonas Prentice's New Haven company of the Sixth State Regiment on January 13, 1777, and was "transferred to Invalid Corps, March 8, 1781." Thomas Doyle enlisted "for three years" in Colonel Samuel B. Webb's Regiment on March 29, 1777, and fought at the battle of Rhode Island, and opposite his name on the rolls this entry appears without date: "Discontinued by order of General Putnam to serve in the Continental Fleet." A "Return of Men raised in the town

of Lebanon, as certified to by Colonel Jeremiah Mason" for the 12th Regiment of the State Line on March 10, 1778, includes the names of "James Mackartey and Michael Barry of Lebanon" and "Thomas Doyle, a transient person hired in Lebanon."

There were four Driscolls. Joseph "Driskell" was a bombardier in Bellows' Artillery after January, 1776; John and Philip Driscoll served as seamen on the *Oliver Cromwell* in 1777, and Asa Driscoll was a gunner on the ship, *Trumbull*.

Several Fitzgeralds served with the Revolutionary forces from Connecticut. Thomas Fitzgerald of Winchester and "Henry Fitsjerrell of Salisbury" were private soldiers in the Fourth Regiment of the State Line; "Henery Fitzgerald of Salisbury" again turns up as an enlisted man in the Sixth State Regiment on May 7, 1777; James Fitzgerald was in Colonel Samuel H. Parsons' Regiment; John Fitzgerald was enrolled in Colonel Burrall's Regiment on February 24, 1776; and in *The Connecticut Courant and Weekly Intelligencer* of August 25, 1778, there is a reference to a soldier named "John Fitzgerald, an Irishman," who served in Captain James Duncan's company of Hazen's Regiment, yet his name does not appear on the rolls. Thomas Fitzgerald of New London was appointed midshipman on the frigate, *Trumbull*, on September 15, 1776, and the record says that he was a native of Ireland. There is also a "Thos. F. Gerrald of Windham" listed among "men in the Connecticut service who received Town Bounties before 1780," but the name appears as "Thomas Fitzjareld" in a roll of Captain Jonathan Rudd's company, Fifth Regiment of Militia, in 1778, and in the next year he was "transferred to Continental service." There is also an entry of sergeant "Thomas Gerralls" of Hartford who engaged "for the duration of the war" in the Third Company of Colonel Samuel B. Webb's Regiment on January 1, 1780. Doubtless, he also was a Fitzgerald.

John Flynn of Woodstock appears in the "Alarm List" from that town in 1775 and in the following year he served as a trumpeter in Major Backus' Light Horse. Lemuel Flynn joined a company of Minute Men raised in the town of Pomfret; John Flinn was made corporal of the Eighth Regiment of the Continental Line on July 10, 1775, and Patrick "Fling," who enlisted "for the war" in Captain David Smith's company of the Eighth

Regiment of the State Line, on July 17, 1777, died of wounds received in battle on July 19, 1778. Michael Flinn, private in the Third Regiment, Continental Line, was in the fight at Bunker Hill on June 17, 1775, and it is possible that the Michael Flynn who served as a private soldier in Colonel Johnson's Militia Regiment, enlisting on January 11, 1778, was the same man. Denis "Fling" was a private in Captain Pomeroy's company of Chapman's Regiment and fought at the battle of Rhode Island.

Of the Gleasons, there were six, *viz.*—Andrew, Benjamin, John, Joseph, Luther and William, and there were five Healys whose names are spelled variously Healy, Haley and Hailey. Fourteen men named Higgins are recorded, *viz.*—Cornelius, Herman, James, Jesse, Lawrence, Sylvanus, two Timothys and two Williams, all private soldiers, and Captain Cornelius and his son, Lieutenant Cornelius, Lieutenant William of the Third and Fifth Regiments and Captain William Higgins of the Connecticut State Navy.

The name Kenny appears twelve times, and there were three McKennys. Patrick Kenny enlisted in the Fifth Connecticut Regiment on May 10, 1775, and nine days later Reuben Kenny was made a sergeant in the Fourth Continental Regiment; John Kenney joined the Seventh Continental Regiment on July 20, 1775; in 1776, one Thomas Kenny is on the records as "Officer of the Guard of Escort;" privates Thomas and John Kenney enlisted in the First Regiment of the State Line in July, 1780; Lawrence Kenny joined Captain Samuel Parsons' Independent Company on January 1, 1777, and was one of the few men who escaped in the awful massacre at Wyoming, Pennsylvania, on July 3, 1778. Connecticut soldiers listed among the casualties at Wyoming were William Dunn, Thomas and William McClure, John Murphy, Thomas Neil or O'Neil and John O'Neal. Bryan Kenny was a private soldier under Colonel Ledyard and was killed in the storming of Fort Griswold in September, 1781. James Kenny was a private in the Third State Regiment in 1778 and Benjamin, Charles and Thomas Kenny served as seamen in the Connecticut State Navy, the last two under Captain Michael Melally on the *Oliver Cromwell*. James and William McKenney of Windsor joined a company of Minute Men who marched from that town in April, 1775, and John McKenny was enrolled as a private in the Second State Regiment on February 2, 1777.

There were five Connecticut soldiers named Lyons. William Lyons was in the Woodstock Alarm List in April, 1775; Thomas Lyons joined the Sixth Continental Regiment on May 10, 1775, and on the same day Robert "Lynes" enlisted in the Fifth Continental Regiment. Patrick Lyons served as a private in Captain Barnard's company, Third Regiment of the State Line, enlisting "for the war" on February 24, 1777, and there is a notation opposite his name: "Enlisted in Georgia Regiment." Peter Lyons of Branford enlisted "for the war" in the Sixth Continental Regiment on June 13th of the same year.

Five men named Lynch served with the Connecticut Revolutionary forces. Cornelius Lynch received a commission as Ensign in Colonel Samuel Elmore's Regiment on April 15, 1776; Eben Lynch of Woodbury, enlisted in Colonel Andrew Ward's Regiment on May 8, 1776, but he appears on the roll for only thirteen days. Timothy Lynch was enrolled as a seaman on the *Oliver Cromwell* on January 10, 1779; Patrick Lynch of Waterbury was mustered in as a private in Captain Asahel Hodge's company of the Fifth State Regiment on January 1, 1781, and served for one year, and "Patrick Linch of Fairfield" is listed among soldiers of the Connecticut Line who "received Town Bounties before 1780."

There were four McGuires, namely, William "McGuyer" who served in 1776 under Colonel Samuel Wyllys; Thomas McGuire of Hebron, who joined the Eighth Regiment of the State Line on July 28, 1780; "Peleg" McGuire, who so appears as one of the crew of the *Oliver Cromwell* in 1777, and there is a private Peter Maguire of Colchester listed among "Connecticut men who received bounties for service in the Continental Army in 1781," but whose name is not entered in any of the available muster-rolls. In the Pension Rolls he appears as "Peter McGuir."

There are three entries of Malones, one "Mollone" and seven Malonys. William Malone was commissioned Quartermaster of the *Oliver Cromwell* on May 15, 1779, and for several years after the war Captain William Malone was master of a New England vessel trading with the West Indies. Daniel Malone served in Colonel Jedediah Huntington's Regiment in 1776 and a Daniel Malone also joined Lamb's Artillery as a matross on February 2, 1778. Peter Mollone served as a seaman on the *Oliver Cromwell* in 1777, James Maloney enlisted "for the war" in the Fourth

Regiment of the State Line on March 1, 1777, and Michael Maloney joined the same organization on July 4, 1781. Matthew Malony was mustered into the 19th Regiment of Militia on June 10, 1776; Morris Malony into the Seventh Regiment on January 3, 1777; a Matthew Malony appears in a payroll of the Eighth Regiment as of March 20, 1777; Daniel Meloney of New London served as a gunner in Lamb's Artillery in 1777, and Thomas Malony, a private soldier of Colonel Samuel B. Webb's Connecticut Regiment, was killed at the battle of Rhode Island, August 29, 1778. There was also a John Malony who served on a privateer commanded by Captain Henry Billings, of Norwich, in 1781 and 1782. He had previously seen service in the Pennsylvania State Navy, but was captured by the enemy and with four other sailors was put aboard an English vessel, which, however, was captured by an American privateer and brought into New London. In July, 1781, Captain Billings petitioned the General Assembly to enlist these men "on board said Billing's ship who is bound on a cruise against our enemy," and the legislature granted the petition.

There are four entries of men named Maher. James Maher, of Hartford, who enlisted as a private in the Second Regiment of the State Line, on February 3, 1777, is referred to as an Irishman who escaped from an English warship and joined the patriots.⁷ in James Maher joined the First Regiment of the Connecticut Line on January 1, 1781; Patrick "Marr" was mustered into the Second State Regiment on January 11, 1777, and was "transferred to Invalid Corps, March 1, 1781." A Patrick Maher enlisted on January 10, 1777, in the Third Regiment of the State Line, and under "Hartford County Returns of Men taken from the Returns of the Continental Army," he is listed as "Patrick Marr."⁸

The "Mac" names are the most numerous among the Irish. We find three McFalls in the Connecticut rolls, David, Peter and William; three McDaniels, Anthony, Charles and Michael; five McDonalds, Charles, James (2), John and Patrick, as well as Thomas McDannel. Three were four McKees, Andrew, John, Michael and William, and three McMullens, Daniel, James and John.

⁷ *Connecticut Courant*, July 29, 1776.

⁸ In *Public Records of Connecticut*, Vol. 12.

"William Mooney, of Canterbury," served in the 16th Regiment of Militia in 1780; "William Mooney, of Mansfield," enlisted on March 26, 1781, regiment unknown, and he appears among "Connecticut Men who received Bounties for service in the Continental Army in 1781;" John Mooney, from Enfield, joined the Second State Regiment on July 1, 1780; on July 25th of the same year, A. Mooney was mustered into the same regiment; and a John Mooney served as a seaman on the Continental frigate, *Confederacy*, in 1779.

The Connecticut Revolutionary records contain such names as O'Brien, O'Cain, O'Colony or O'Connolly, O'Doniel, O'Hara, O'Kane, O'Neil and O'Ryan. There were at least six O'Briens and several Brians and Bryans. John O'Brien of the town of Preston enlisted as a private in Captain Edward Mott's company of the Sixth (Parsons') Regiment on May 7, 1775. He was at the battle of Bunker Hill and also served with his company in the Northern Department under General Philip Schuyler and was discharged on December 8, 1776. A "John Obriant" is on the roll of the Fourth Regiment under Colonel Zebulon Butler between January 1st and December 31, 1781. In the pension rolls he appears as "John O'Brien of Granby, aged 84". It is evident there were two men from New Haven, each named John O'Brien, but both are recorded "O'Briant." One of them joined Captain Samuel Comstock's company of the Second State Regiment "for the war," on January 22, 1777, and was on the roll down to February 1, 1783, and the other was enrolled five days later in Captain Jonas Prentice's company of the Sixth State Regiment and was recorded "dead April 22, 1783."

Thomas O'Brien appears in a "Return of Men who served in the Continental Army belonging to the Town of Hartford," but his name does not appear in any of the muster-rolls. However, when the Eighth Connecticut Regiment was organized in January, 1777, Thomas O'Brian was commissioned Lieutenant, "to serve through the war," and this may have been the Thomas of Hartford. Lieutenant O'Brian went into camp with his company at Peekskill, New York, in the spring of 1777 and was at the battle of Germantown on October 4th of that year, but was "discharged on December 24, 1777," after which his name does not appear in the Connecticut rolls. George O'Bryan enlisted "for the war" in Captain Thomas Wooster's New Haven company of Webb's

Regiment on February 21, 1777, and was recorded "missing August, 1777," but a George O'Bryan again turns up as a private soldier of Captain John Riley's company of Webb's Regiment, and was at the battle of Rhode Island, on August 28, 1778. William O'Brian, of Pomfret, first appears as a soldier on May 28, 1781, and in the same year he is listed among "Connecticut Men who received Bounties for services in the Revolutionary army." Patrick Brian, of Danbury, enlisted "for the war" in Colonel Beardsley's Regiment on May 1, 1778.

Private Jeremiah O'Cain appears on a roll of Colonel William Douglas' Battalion of Wadsworth's Brigade in 1776 and served with his company at the battles of Long Island and White Plains. His time expired in December, 1776, and it is evident he re-enlisted, since the name again turns up in the roll of Captain Prentice's New Haven company, Sixth Regiment, State Line, as of February 17, 1777. "Jer O'Keain, of Derby," doubtless the same man, served as a private in the Second Regiment of Militia in 1779; "John O'Kane of the Town of Derby," is listed among "Officers and Soldiers married" and in the service in 1780 and 1781;⁹ "Oliver O'Cain, of Wethersfield" served in Colonel Samuel Wyllys' Regiment in 1777, and an Oliver O'Kean is recorded as joining the Third Regiment of the State Line on January 27th of that year.

There are eleven entries of Ryans and one O'Ryan. Michael Ryan, a private soldier of the Sixth Regiment, enlisted May 9, 1775, under Captain James Chapman, and was at Bunker Hill; Thomas Ryan was a drummer in the Eighth Continental Regiment, enlisting July 21, 1775, and in the same year one Thomas Ryan appears in a roll of Captain Brewster's company of the 17th. Continental Regiment. John Ryan is recorded as sergeant in the Fifth State Regiment as of October 20, 1776; private John Ryan joined the First State Regiment on May 30, 1777; a John Ryan appears as sergeant in the Second State Regiment in March, 1777, and there is also a John Ryan, described as "of New Fairfield," who enlisted "for the war" in Colonel Beardsley's Connecticut Regiment on May 1, 1778. Again, we find a John Ryan serving as a seaman on the frigate *Confederacy*, in 1779. How many different men are here referred to has not been establishe

⁹ *Public Records of Connecticut*; Vol. 12.

Jeremiah Ryan of Stratford, was mustered in as a private of Colonel Samuel Elmore's Regiment on April 16, 1776; a Jeremiah Ryan, bombardier of Lamb's Artillery, joined that organization on April 27, 1777; James Ryan served with the Eighth Regiment of the State Line after September 1, 1777; Miles Ryan joined the Seventh State Regiment on February 20, 1777; Patrick "Rian" and William "Ryne" of Danbury, the 16th Regiment of Militia on May 10, 1779, and Michael Ryan served as a seaman on the *Confederacy* in 1779. In "a list of Connecticut Men who deposited a portion of their wages to be applied to the support of their families," while in the field, there are entries reading: "Jeremiah Ryan, alias Rian, of Danbury," and "O'Ryan, alias Rian, Jerem of Danbury,"¹⁰ and among "Officers and Soldiers married and in the service, 1780-1781," there is an entry reading: "orian, alias Ryan, Jeremiah,"¹¹ but the muster-rolls contain no entry of any soldier named O'Ryan.

Others represented by more than one soldier of the name in the Connecticut rolls were:

Barry	Gorman	McNeil
Barrett	Hayes	Nugent
Boland	Hogan	O'Neil
Condon	Larkin	Powers
Cooney	Leary	Rice
Corbett	McBride	Riley
Crowley	McClure	Roach
Dunn	McManus	Rooney
Finn		Sexton
		Toomey

It is interesting also to note the number of soldiers bearing the prenomens, Patrick, nearly 2000 of whom are found in the muster-rolls of all the Colonies, and although the "Irish Paddies" were not numerous in Connecticut, there was a fairly respectable number of them enrolled with the Revolutionary forces from that State. There were at least twenty-six Patricks among the Connecticut forces, and their family names in nearly all cases indicate Irish descent. Their names were:

Patrick Ambrose	Patrick Fling	Patrick Maher
Patrick Brian	Patrick Hynes	Patrick Murphy
Patrick Butler	Patrick Kennedy	Patrick Nugent

¹⁰ *Public Records of Connecticut*; Vol. 12.

¹¹ *Ibid.*

Patrick Brown	Patrick Kenny	Patrick O'Colony
Patrick Canny	Patrick Leonard	Patrick Rian
Patrick Colbert	Patrick Lynch	Patrick Snow
Patrick Conner	Patrick Lyons	Patrick Thomas
Patrick Donally	Patrick McCaud	Patrick Ward
Patrick Downs	Patrick McDonald	

The itineraries of the units to which these men were attached and the periods of their service indicate that some of these men were at the battles of Long Island, White Plains, Rhode Island, Monmouth, Brandywine, Germantown and other minor engagements, and in the campaigns through New York, New Jersey and the Southern Colonies. Patrick Leonard and Patrick Colbert were at Bunker Hill; Patrick Thomas was one of the Connecticut men engaged in the attack on Fort Ticonderoga in May, 1775; Patrick Nugent was in Arnold's expedition to Canada and was with his company at the siege of Quebec, where he was taken prisoner on December 31, 1775; Patrick McCaud, the only sailor in the list, served in the Connecticut State Navy, and was captured on the *Oliver Cromwell* and taken to Old Mill prison, England, where he was confined until nearly the close of the war.

One of the brave soldiers of Connecticut was an Irishman named Patrick Ward, who served as Lieutenant under Colonel William Ledyard when the British under the traitor, Arnold, attacked Fort Griswold and burned the town of New London. After a gallant resistance, the fort was captured by the enemy, and the atrocities committed upon the surrendered and helpless garrison by the British constitute one of the blackest chapters in the history of warfare, and the event has since been known as "the massacre of Fort Griswold." Two Irishmen, Lieutenant Ward and private Barney Kenny, were among the slain, and their names are inscribed with the eighty-two other victims, on the monument commemorating this foul deed, which stands on Groton Heights opposite New London. In the old Poquonnoc burial-ground at Groton may be seen a stone over the grave of Lieutenant Ward, bearing this inscription: "In Memory of Mr. Patric Ward, who fell a victim to British cruelty in Fort Griswold, Sept. 6th. 1781, in ye 25th. year of his age."

Very little effort has been made to follow the footsteps of these Irish soldiers through the Revolutionary struggle, and while little is known of the part they played, their names are listed here to

show that many soldiers and sailors of Irish blood fought side by side with the Connecticut "Yankees," and that the race from which they sprang is entitled to a share of the glory in achieving the Independence of the United States. It is a matter of regret that Americans of Irish descent, not only in Connecticut but in other States, have not evinced greater interest in this subject. It is a fascinating pursuit, and if someone with the time and the taste for such work would devote his attention to a thorough examination of the Colonial and Revolutionary records, it would stimulate such real interest in the subject that he would never stop until he was determined to bring the full facts to light. The English element in America have told their story to the world, to their unquestioned advantage; the Dutch, the French, the Germans, the Scots and others have had industrious delvers into the history of their people in America, so why not the Irish? Men and women of Celtic stock have contributed to the glory and progress of our country, but their descendants have been astonishingly lax in the duty they owe to the race in their failure to search for and publish the facts. And it is a melancholy truth that although the American Irish have long recognized the fact that they have been ignored in history, they have never made any real attempt to place on record the story of what the people of their race contributed to the making of America!

MICHAEL J. DOWLING
The Story of a "Game Man."

By MARC T. GREENE

Michael J. Dowling, of good Irish stock, died not long ago in Minnesota. He was long known as "Minnesota's Gamest Man." It was said of him that, though he "held no office, nor commanding position in industry, yet, in the esteem of his fellowmen stood at the very top." His life story recalls that of another plain man, neither noble of birth nor master of industry, whose services to his fellows were immortalized by the poet Pope in "The Man of Ross"; and who, in the little Gloucestershire village in England, is memorialized in many ways.

That the love for Dowling's memory and deeds is well-deserved is attested by the fact that the people and government of the State of Minnesota have raised the sum of \$100,000, with which to do honor to his memory.

Forty years ago Michael J. Dowling was a Chicago newsboy; he went to a Minnesota farm. Losing his way one night in a terrific blizzard, he was frozen to the extent of losing both legs and both hands so that, without parents, scarcely fifteen years old, uneducated, penniless he faced about the most discouraging future imaginable. Yet the spirit of his race fought off surrender. He persuaded the town authorities to give him a year's education, on the condition that thereafter he should guarantee to support himself.

The boy made his word good, and even though only sixteen, his year of schooling had been so used as to fit him for the position of country teacher. He taught thus for seven years, and then became the local school superintendent. During vacations he did everything from painting houses to running a roller skating-rink. And then, after a few more years Michael Dowling found himself president of a country bank, and in public life reached the position of speaker of the Minnesota House of Representatives. At one time his name was proposed as a gubernatorial candidate. He became president of the Minnesota Bankers' Association. All this time he was doing everything that ordinary men do. He drove a motor car, danced, hunted big game. His family included a wife and three children. He had many of those things which all men crave. His "gameness" was well-rewarded.

His energy was boundless and was manifested especially in the direction of helping other cripples, though he never admitted

himself to be such. "Don't call yourself a cripple just because you have lost one or two limbs," he insisted. "It's the mind that counts. There is no such thing as a cripple if the mind is all right. Keep your mind working and you can accomplish wonders." This was the spirit of "Minnesota's Gamest Man" whose indomitable courage and persistent refusal to yield to the depression that would have vanquished most men similarly afflicted, had far-reaching results, and brought cheer into the lives of thousands.

Dowling's death was indirectly due to his efforts to help the disabled of the World War. He went about the country talking to the wounded in the hospitals, bringing encouragement to them by relating the story of his own life and of his accomplishments in the face of fearful obstacles. Presently he was in England, invited by the British Government to come over and talk to the soldiers in hospitals there. He spent eight months in this way in the British Islands, doing an invaluable work in bringing cheer to the afflicted, showing by his own life, that they could rise superior to their handicaps. He made long lecture tours on both sides of the water, and broke his health by so doing. But his "gameness" permitted no retreat until the body could endure no more.

The memorial in Minnesota is the very best sort. Neither stone nor bronze, a statue or a library but a school for crippled children connected with the Minnesota Hospital for Crippled Children.

Half of the sum necessary was raised by the people of the State, and the other half appropriated by the Legislature, of which he was long a notable member. In this school, while the bodies of the crippled little ones are being mended with all the skill known to present-day science, every other possible advantage of education will be theirs, with the addition of many kinds of special training designed to fit them to rise above the obstacles of their affliction. The school is built upon the maxim so often enunciated by Dowling that, "you are not a cripple unless you think you are."

Such, then, briefly was the life and the achievement of a simple Irishman, a man who worked his way upward quietly and unostentatiously against heavy odds, who felt that he could survive, and who did survive, to leave behind him a record stimulating and encouraging to the thousands similarly afflicted. Michael J. Dowling was a splendid soldier of peace and of war, one who served well and nobly in the highest of all causes, that in aid of one's fellowman.

HISTORICAL NOTES

Thomas Zanslaur Lee, LL. D., Secretary-General 1908 to 1911; President General 1911 to 1913; Member of the Executive Council since 1908.

The Knights of Columbus Historical Commission have published through the MacMillan Company the \$3000 prize essay, "Jays' Treaty" by Prof. Samuel Flagg Bemis; "The Merchant Marine," by Admiral W. S. Benson; "The Open Door Doctrine," by Dr. M. Joshua Bau, and the "Introduction to the Racial Contribution Series" by the Chairman of the Commission, Dr. Edward F. McSweeney, through the Columbia Press at New Haven. Other writers in the Racial contribution series announced are:

Negro	Dr. W. E. DuBois
Jewish	George Cohen
English	Dr. Frederick J. Kinsman
German	Dr. Frederick F. Schaefer
Irish	Dr. Joseph Dunn
Holland	Dr. C. P. Van Huizinga
Scandinavian	Dr. Amandus Johnson

Due to unavoidable reason the writer of the French contribution could not continue his study, and the author is not at present decided upon.

The K. of C. Historical Commission have in contemplation:

"The American State 1775-89," Allan Nevins, Associate Editor *Evening Post*, New York City; "Telegraph and Cables in the Foreign Relations of the United States," George A. Schriener; "History of the Budget Movement," Dr. Frederick A. Cleveland.

The Department of Historical Research, of the Carnegie Institution of Washington, is arranging for publication the correspondence of Andrew Jackson. Professor Bassett is editing the work.

At the suggestion of the American Historical Society, the Secretary of State has instructed Dr. Gaillard Hunt, editor of publications of the State Department, to prepare for publication in a series of volumes the whole body of instructions sent by the various Secretaries of State to American diplomatic representatives abroad, from 1789 to a recent period.

As No. 13 on its list of "Service Monographs of the United States Government," the Johns Hopkins University Press, has completed "The General Land Office: Its History, Activities and Organization." Milton Conover is the compiler.

The American Catholic Historical Society, of Philadelphia, announces a prize of \$100, offered by the Most Reverend Archbishop Messmer, of Milwaukee, for the best historical essay on the subject, "Catholic Missionary Work Among the Colored People of the United States, 1776-1866." A recent number of the "Records" of this society contains articles by the Rev. Felix Fellmer, O.S.B., on "Father Oswald Moosmueller, Pioneer Bene-

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dictine Historian of the United States"; by Ella M. E. Flick, on "The Rev. George Strobel, 1800-1874," and by Sister Mary Eulalia Herron, on "The Work of the Sisters of Mercy in the United States, Archdiocese of Baltimore, 1852-1921." The nature of these articles illustrates the broad scope of the work of the American Catholic Historical Society.

The Naval Records and Library Office, of the Navy Department has issued a pamphlet on "American Ship Casualties of the World War."

The Historical Department of the State of Mississippi has ready for distribution Dr. Dunbar Rowland's ten volumes of "The Letters, Papers and Speeches of Jefferson Davis."

Former members of the American Diplomatic Courier Service operating among the several embassies of Europe in 1918 and 1919 have organized an association and designated Milton Conover, of the faculty of the University of New York, to write their hitherto unrevealed history, something which should make a volume of poignant interest.

The last session of the Massachusetts General Court provided for a special commission to collect materials for a history of Massachusetts in the World War, and Major Eben Putnam has been appointed as historian and secretary of the commission.

The February-April, 1923 "Proceedings" of the Massachusetts Historical Society contains a series of notes on President Jackson's first visit to New England, in June, 1833. Prof. John S. Bassett is the editor.

A "Municipal History of Essex County in Massachusetts," in four volumes will soon be issued under the editorship of Benjamin F. Arrington.

The Connecticut Historical Society has acquired by gift a large collection of the original manuscript muster rolls of the Connecticut militia which served in the War of 1812.

The Yale University Press will soon publish an elaborately illustrated volume on "Old Homes of Connecticut," prepared by Bertha C. Trowbridge, of the Connecticut Society of Colonial Dames of America.

The New York State Historical Society has secured a legislative appropriation of \$5000 to be used in preparing a survey and report for the appropriate celebration of the one hundred and fiftieth anniversary of the important events in the State's Revolutionary history. Our society will in all probability be represented.

"The History of the New York Public Library," by Harry M. Lydenberg, has been issued in the form of an illustrated volume of 643 pages.

In the July number of the "Proceedings of the New Jersey Historical Society" are articles on "Old Houses of Elizabethtown: The Governor Belcher Mansion," by Warren R. Dix; "Some New Jersey Sidelights on Revolutionary Days," by Rev. Charles B. Bullard; "James Parker, the Printer of Wood-

There is a general feeling of dissatisfaction with the present state of affairs in the medical profession, and it is not surprising that many of the leading physicians are looking for a way to improve the situation. The American Medical Association is one of the organizations that are working to bring about a change in the present state of affairs.

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bridge," by William H. Benedict; "The Minisink Indian Trail," by Prof. Charles F. Philhower; and "A Forgotten Elizabethtown Newspaper," by Elmer T. Hutchinson.

The Pennsylvania State Library has recently acquired a manuscript of thirty-eight pages, consisting of original surveys of the lands on the western side of the Delaware River, dating from May 27, 1675, to April 16, 1876.

In the July number of the *Pennsylvania Magazine of History and Biography* is an article on "Batso and the Bloomaries," by Carmita de S. Jones; one on "Springs and Spas of Old-Time Philadelphia," by F. H. Shelton, and one on "The Story of the Pennsylvania-Delaware Circular Boundary," by J. Carroll Hayes.

The series of June, 1923, of the papers of the Southern Historical Society, contain an instalment of the records of the proceedings of the first session of the first Confederate Congress. Instalments will continue in subsequent numbers.

The July issue of the "*Virginia Magazine of History and Biography*" contains a number of interesting letters, dated during the years 1807 and 1808, from Mrs. Elizabeth Beverly Kennon, widow of General Richard Kennon, and from her daughter, Sally Skipwith Kennon, to members of the Mordecai family, of Warrenton, North Carolina.

In the July, 1923, number of the "*William and Mary College Quarterly Historical Magazine*," is a discussion by W. W. Scott, of the "Knights of the Horseshoe," specifically, of the route of Gov. Spotswood's *Tramontane Expedition*, in 1716.

William Attmore's "*Journal of a Tour to North Carolina*," appears among the *James Sprunt Historical Publications*, issued by the University of North Carolina. Our Vice-President for North Carolina, Hon. Michael J. Corbett has taken a personal interest in this work.

A recent number of the quarterly of the Louisiana Historical Society contains an article by Henry E. Chambers, on the "Early Commerical Prestige of New Orleans," another by Henry P. Dart, entitled "A Gentleman of Point Coupeé," and the report of the committee of the Louisiana Senate, in 1843, upon the question of the fine imposed on Andrew Jackson by Judge A. D. Hall, in 1815.

Among publications of historical societies in the western states, the June, 1923, issue of the "*Mississippi Valley*" society contains an article by Solon J. Buck, on "The Progress and Possibilities of Mississippi Valley History," and one by E. E. Dale on "*The Ranchman's Last Frontier*."

Ohio's legislature has appropriate \$238,000 for the erection of an addition to the present home of the Ohio Archæological and Historical Society, as a World War Memorial.

the first of these is the fact that the first of the three is the most important, and the second and third are of less importance.

The second of these is the fact that the second of the three is the most important, and the first and third are of less importance.

The third of these is the fact that the third of the three is the most important, and the first and second are of less importance.

The fourth of these is the fact that the fourth of the three is the most important, and the first, second, and third are of less importance.

The fifth of these is the fact that the fifth of the three is the most important, and the first, second, third, and fourth are of less importance.

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The tenth of these is the fact that the tenth of the three is the most important, and the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth are of less importance.

The Indiana Historical Commission's "Governors' Messages and Letters," edited by Prof. Logan Esarey, is now available in the first and second volumes. The second, just issued, is a mine of information for students of the War of 1812 in its western aspects. The commission has also recently issued books on the financial aspects of the World War in Indiana, and of the Liberty Loans there.

The Illinois Historical Society, in its publication for April-July, 1922, offers an interesting article by Prof. James A. Woodburn, on the "Promotion of Historical Study in America Following the Civil War." "An Account of the Springfield Society before the Civil War," is also of much interest.

Many articles of interest are included in the May, 1923, issue of the "Tennessee Historical Magazine." Dr. Joseph Schafer has discussed "Co-operation between State Universities and State Historical Societies," Hon. Thomas H. Cooke has written of old Fort Loudon, the first English settlement in what is now the State of Tennessee, and the massacre there; and of much interest is the concluding instalment of "The Battle of King's Mountain, as Seen by the British Officers," by Hon. Samuel C. Williams. The August number of the same publication contains a history of the Thirteenth Tennessee Confederate regiment, by the late Rev. James D. West.

The State of Wisconsin has discontinued the War History Commission, and made an appropriation of \$5000 per year to the State Historical Society for the continuation of the work of collecting and compiling world War records of the State.

The "Wisconsin Magazine of History" for June, 1923, published the third of Dr. Joseph Schafer's articles on "The Yankee and Teuton in Wisconsin." The issue also contains a discussion of the question of popular censorship of history texts.

The Minnesota War Records Commission has undertaken the publication of a history of the activities of the State and of its citizens in the War with Spain.

The "Minnesota History Bulletin," in a recent issue, contains an article by Prof. Orrin G. Libby on, "Some Aspects of Mid-West America," and the number of last August has as its leading article a treatise on "Official Encouragement of Immigration to Minnesota during the Territorial Period," by Livia Appel and Theodore C. Blegen.

"An Overland Journey to California by the Platte River Route and the South Pass," in 1850, is an interesting article in the latest number of the "Annals of Iowa."

Missouri has made an appropriation to the State Historical Society for the publications of the "Messages and Proclamations of the Governors of the State of Missouri," which will be compiled and edited by Floyd C. Shoemaker, secretary of the Society.

The Missouri Historical Society has received a gift of a large collection of manuscripts covering a period between 1766 and 1848, relating to the Lewis and Clark Expedition, and embracing the original journals of the expedition. The latest number of the Society's publication contains the first of a series of interesting articles on the "Jayhawkers in Missouri."

Robert Goodbody, a Dublin Irishman, who came to New York in his youth and ultimately became a prominent member of the New York Stock Exchange, and a power in the financial world, is to be the subject of a forthcoming historical article. Goodbody surmounted the obstacle of non-citizenship, which is a bar to membership in the Exchange, by forming a partnership with Charles H. Dow, first editor of the "Wall Street Journal." This, of course, was before the young Irishman had secured his naturalization. He was a good Irish quaker, and his faith never wavered throughout a long and upright life.

The work on "American Democracy," by Dr. William McDonald, has inspired one reviewer to the following bit of irony: "Revising our history has become, in point of fact, an infant industry of portentous growth, without any nursing from the Tariff Law; and while there is no history trust, yet there seems to be some organized manipulation of the market by historical societies which appears to be beyond the jurisdiction of vigilant District Attorneys, and the possibility of drawing indictments."

Our fellow-member, James J. Walsh, A.M., M.D., Ph.D., in an interesting "Story of the Cures that Fail," tells of Valentine Greatrakes, who was born in Ireland during the generation after the discovery of the circulation of the blood by Harvey, and who announced that he could cure tuberculosis of the neck glands, by touching the afflicted spots. This ailment was also known as "King's Evil," since from the time of Edward, the Confessor, the Kings of England were popularly believed to have inherited the power of curing the malady. Greatrakes attempted quite successfully to establish his claim to the possession of the same power.

Dr. Walsh, in his interesting book, which was published by the Appletons during the past year, has emphasized the points that anything will cure the patient when there is nothing the matter with him, and that the longer a physician practises the shorter becomes his list of drugs. The thesis is, in truth, based upon the undoubted fact that the vast majority of the ills and complaints of mankind is fostered by the mental attitude of the sufferers.

Interesting in connection with the early Irish settlers in Albermarle County, Virginia, is a copy of a record in the "August Court, of 1745," of Albermarle County, contributed to the Year Book by William M. Sweeny, of Astoria, L. I., a member of the Society. It reads:

"On motion of Charles Lynch, Gent., leave is given him to keep a Ferry from his Land across the North River to the opposite side, the said Lynch giving Bond and Security, as the Law Requires.

"Charles Lynch, together with William Cabell, Gent., enter into and Acknowledge Bond, &c., on condition the said Lynch shall keep a ferry as the Law requires."

(From Albermarle Co., (Va.) Order Book, 1744-48, p. 45.)

From "Survey Book, No. 1, of Albermarle County, Virginia," dated about the same time, Mr. Sweeny has copied records showing that, in April 1745, in the same month of the following year, and in December, 1746, March, 1748, and March, 1752, land to the extent of 6384 acres, "on the south branch of the Slate River, called Jones's Creek", was surveyed for "Patrick Obrian, by Thomas Turpin, Ass't Surveyor."

Wisconsin has passed a statute entitled, "Chapter 21 of the Laws of 1923" that provides that no history or other text book shall be adopted for use or be used in any district school, city school, vocational school or high school which "falsifies the facts regarding the War of Independence or the War of 1812, or which defames our country's founders or misrepresents the ideals and causes for which they struggled and sacrificed, or which contains propaganda favorable to any foreign country," and provides the legal machinery by which this law may be enforced.

Dr. James Sullivan, State Historian of New York, has prepared for publication Volumes 1 to 3 of the papers of Sir William Johnson. The work is most excellent and has been very favorably mentioned in the current journals of history. There were twenty-six volumes of the Johnson manuscript in the New York Library at one time, but most of them were destroyed by fire and many of those remaining are legible only in part. Dr. E. P. O'Callaghan's "Documentary History of New York" contains a great number of originals and has been drawn on largely by the present author.

Rev. Dr. Patrick J. Healy, Vice-President of the Society for Washington, has made an exhaustive review of "Les Martyrs d'Egypte," by the Rev. H. Delehaye, which appears in "The American Historical Review" and caused much favorable comment. The work is not a history of Egyptian martyrs, but a critical discussion of the sources of early Egyptian hagiography, and Dr. Healy's favorable review of the work is much appreciated in literary circles.

It has been suggested by the Editorial Committee to quite a few members of the Society that a prize or series of prizes should be offered for competition along historical lines on subjects to be chosen by the Editorial Board or by competitors within the sphere of the Society's historical activities. There have been many such prizes offered and they have proved, in each case, stimuli to genius and research. Any member of the Society may feel free to make such an offer which may bear his name.

The Marine Research Society of Salem, Massachusetts, has recently published a volume entitled "Piracy Along the New England Coast, 1630-1730" by Dow and Edmunds, which will supplement the previous publications of this society on "The Sailing Ships of New England," the entire issue of which

latter was sold almost after publication. John H. Edmunds one of the authors is head of the Archive Division in the office of the Secretary of the Commonwealth of Massachusetts and is of Irish descent.

R. W. D. Connor, State Historian of North Carolina, and son of Judge Henry Groves Connor, long a member of the Society and a contributor to its literary work, has prepared a program for the women's clubs of that state entitled "Studies in History of North Carolina." Father and son have done excellent historical work for North Carolina, and Judge Connor's latest work was an exhaustive life of Judge Alexander Campbell, at one time Justice of the United States Supreme Court.

William O. Lynch, Esq., has written an excellent paper concerning the character and leadership of Stephen A. Douglas, which has been circulated by the "Mississippi Valley Historical Review." Mr. Lynch has made an interesting study of certain phases of Mr. Douglas's life that have received heretofore but scant attention from historians.

The Detroit Historical Society has commenced the publication of a sixteen-page periodical called "The Detroit Historical Monthly" and it is planned to issue ten numbers a year, with a title page and index, each number to contain, besides items of local interest, some original material of value to students of American history in other parts of the country.

The American Irish Historical Society, being a pioneer in its field and having no competition along the lines on which it was created, has under consideration a quarterly issue of the Journal, which we hope will take form in the near future.

At the National Conference of Commissioners on Uniform Laws held at Minneapolis in connection with the meeting of the American Bar Association, former Congressman Joseph F. O'Connell, a member of our Executive Committee was elected Vice President. Mr. O'Connell was originally appointed a Commissioner on Uniform Laws by President Coolidge when he was Governor of Massachusetts and re-appointed later by Governor Cox.

Word comes to us from members of the Society in California that the next move of the American pacifists is to have certain changes made in school histories, eliminating all laudatory mention of military heroes and their exploits in order that the children will be poor subjects for militaristic propaganda in the future.

Dr. David Starr Jordan is one of the notable sponsors for the movement and expects to do work along these lines in Japan. Dr. Jordan states he hopes in time that the military heroes of the United States will be buried in obscurity.

The Newport Historical Society, through the generosity of Dr. Roderick Terry, has received a transfer of the Butts Hill earthworks and the site of the

Battery on Tiverton Heights commanding the ferry to the north end of Portsmouth, thus insuring the preservation of two places notable during the Revolution. They were formally dedicated and a large gathering of those interested in history were present. Butts Hill figured in the campaigns in southern Rhode Island. The earthworks were built by the British when Newport was taken and during the past 145 years have changed but little. The English garrison was withdrawn just before the landing of the American army under General Sullivan and the arrival of the French fleet of D'Estaing. The capture of the British army in Newport seemed assured, with the co-operation of the French warships, but at the crucial moment D'Estaing sailed from Newport for Boston, leaving control of the sea to Lord Howe, and the siege of Newport was, of course, abandoned. The British under General Pigot pursued the retreating Americans. A stand was made at Butts Hill, and General Pigot ordered an attack, but the British were defeated. The campaign was lost, however, owing to the refusal of D'Estaing to stay and fight, as counselled by Lafayette. Yet the fight at Butts Hill was very spirited and was regarded by Lafayette as the "best fought action of the war." The dedication of the Butts Hill earthworks and the site of the Battery on Tiverton Heights recalls to our mind the invaluable help given by France in our hour of great need.

A movement to place fifty or more memorials in Rhode Island and Massachusetts to commemorate historic events in the Indian history of those states has been started by the veteran historian, Dr. Thomas W. Bicknell, of Providence, Rhode Island, a former member of the society, and the first of such memorials was dedicated on October 28, 1923, at Exeter Hill, Rhode Island. The American Irish Historical Society is one of several historical bodies interested in this work, and Judge Thomas Z. Lee, of Providence, as its representative, delivered an address at the ceremony of dedication.

The first three monuments to be erected were placed on the site of the Narragansett Indian Village, Aspanansuck, and they bore inscriptions honoring the memory of the great Sachem of the Narragansetts, Chief Miantonomi, who was a friend and frequent benefactor of the first white to come to that part of New England. Many historians and students of Indian lore have interested themselves in this project to mark the places of Indian occupation and activities, and from time to time other memorials will be placed at points between Stonington, Conn., and Boston. The American Irish Historical Society, The Audubon Society of Massachusetts, the Citizens' Historical Association of Providence, and others are actively interested in the work inaugurated by Mr. Bicknell.

Chief John Kenlon of the New York Fire Department has written an interesting and entertaining book entitled, "Fourteen Years a Sailor," which tells of his early Irish boyhood. It has received much praise from the literary critics.

Mrs. Josephine Huneker has edited and published the letters of her distinguished husband, the record of one of our most able critics, who was versatile in all the arts. This is a valuable contribution to the literature of American Irishmen.

Lewis C. Cassidy of Washington, D. C., is preparing a comprehensive and thorough work on the life of the late Hon. Edward Douglas White, Chief Justice of the Supreme Court of the United States, and solicits from our membership and the public in general such correspondence as may be available concerning the public and private life of Judge White. Such letters and documents as are received by Mr. Cassidy will be copied or photographed, kept safely by him and returned to the parties sending them. As Chief Justice White was a member of the Society and did much in its interest in Washington, the Editorial Committee requests a generous response from our members and their friends.

Rex Ingram, the famous film director, who has guided the destinies of "Scaramouche," and other great successes of the screen, was born in Ireland, and lived there most of his life, something not generally known. In point of fact "Rex Ingram" is merely an assumed name. The film director's actual name is Hitchcock, and his father, Rev. F. R. Montgomery-Hitchcock, D. D., formerly of Trinity College, Dublin, is now rector of Kinnelty, King's County, Ireland.

Upon learning of the death of President Warren G. Harding, on August 4th, the Society caused the following message of sympathy to be wired to Mrs. Harding:

"Mrs. Warren G. Harding,
The White House,
Washington, D. C.

The American Irish Historical Society mourns with you the loss of our President, tenders you our heartfelt sympathy and prays you will be sustained and comforted in this hour of overwhelming sorrow. His wealth of human kindness, his simplicity, and the ideals and aspirations he so cherished will be long remembered.

JOHN J. LENEHAN,
President-General."

FORM OF APPLICATION

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TO THE SECRETARY-GENERAL OF THE AMERICAN
IRISH HISTORICAL SOCIETY

Dear Sir:

I hereby apply for Life or Annual Membership in the American Irish Historical Society and enclose check (or P. O. Money Order) for*

\$5.00 for Initiation Fee and Dues for current year.

\$50.00 Initiation Fee and Life Membership.

Name.....

Occupation.....

Address.....

Date of Application.....

*Proposed by.....

Initiation fee and dues for current year \$5.00.

Annual dues \$5.00. Life membership fee \$50.00.

**Where an applicant is unacquainted with a member it is not necessary to fill this line.*

**Strike out the proper word.*

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1. The first of these is the fact that the earth is not a perfect sphere, but is flattened at the poles and bulged at the equator. This is due to the centrifugal force of rotation.
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Honorary Members.....	5
Life Members.....	164
Annual Members.....	1076
Total.....	1245

A. I. H. S. 1923

NECROLOGY

Requiscat in Pace

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J. F. CROSTON, M.D., Haverhill, Mass.

CONSTITUTION*
THE AMERICAN IRISH HISTORICAL SOCIETY

ARTICLE I.

NAME AND OBJECT.

SECTION 1. *Name.* The name of this society shall be "The American Irish Historical Society."

SECT. 2. *Object.* The object of the society is to make better known the Irish chapter in American History.

ARTICLE II.

MEMBERSHIP.

SECTION 1. *Qualifications.* Any person of good moral character who is interested in the special work of this society shall be deemed eligible for membership. No tests, other than those of character and devotion to the society's interests, shall be applied.

SECT. 2. *Classes.* There shall be three classes of members, as follows, viz.:

- (a) Honorary members.
- (b) Life members.
- (c) Annual members.

SECT. 3. *Applications.* Applications for membership shall be in writing signed by the applicant and two members of the society. All applications for membership shall be delivered to the Secretary-General, and by him submitted to the Executive Council at its next meeting.

SECT. 4. *Election.* Life and annual members shall be elected by the Executive Council. A three-fourths vote of that body present at a regular or special meeting shall be necessary to elect.

Honorary members may be elected by the society at an annual or special meeting. A three-fourths vote of those present at such meeting shall be necessary to elect; and no person shall be elected an honorary member unless the name of such person be first proposed by the Executive Council.

SECT. 5. *Dues.* Life members shall pay fifty dollars at the time of their election. The dues of annual members shall be five dollars, payable in advance on the first day of January each year. Honorary members shall pay no dues.

*Adapted at the thirteenth annual meeting, Jan. 21, 1911, of the Society to take place of the preamble, constitution and by-laws in force up to that date.

ARTICLE III.

Officers.

Section 1. The Officers of the Society shall consist of (1) a President-General; (2) three Vice-Presidents-General; (3) a Vice-President for each State and Territory of the United States, the District of Columbia, the Dominion of Canada and Ireland and such other country or state as

may be determined upon by the Executive Council; (4) a Secretary-General; (5) a Treasurer-General; (6) a Librarian and Archivist, and (7) an Historiographer and (8) an Official Photographer.

Section 2. The Officers and members of the Executive Council shall be elected at the annual meeting of the Society and shall hold office for one year or until their successors are elected.

ARTICLE IV.

The Executive Council.

Section 1. The Executive Council of the Society shall consist of the President-General, Vice-President-General, Second Vice-President-General, and Third Vice-President-General, Secretary-General, Treasurer-General, Librarian and Archivist, Historiographer, Official Photographer and twenty-five other members.

Section 2. The Executive Council shall manage the affairs of the Society. All appropriations of the funds of the Society must be made by the Executive Council, unless ordered by the Society by a two-thirds vote at a regular meeting or at a special meeting at which due notice shall have been given. The Executive Council shall have power to fill vacancies in any office of the Society until the next annual meeting. It shall have power to enact by-laws for the management of the affairs of the Society; provided, however, that no such by-laws shall conflict with the provisions of this constitution, and further provided, that such by-laws may be amended or repealed by the Society at any regular meeting by a two-thirds vote of the members present.

ARTICLE V.

Powers and Duties

Section 1. The President-General shall preside over all meetings of the Society and of the Executive Council; see that the constitution is observed and that the by-laws are enforced; exercise supervision over the affairs of the Society to the end that its interests may be promoted and its work properly done; and perform all the usual duties of a presiding officer. In the absence of the President-General, or at his request, the Vice-President-General or the Second or Third Vice-President-General as available and in the order of priority of numeration shall perform the duties of President-General. In the absence of the President-General and all the Vice-Presidents-General, a Chairman *pro tem*, shall be chosen by and from the Executive Council.

SECT. 2. The Vice-President-General shall perform the duties of President-General during the absence or at the request of that officer.

SECT. 3. Each state or territorial Vice-President shall, by virtue of his office, be the President of his respective state chapter of this society where such state chapter shall have been duly organized in accordance with the

provisions of this constitution. He shall preside at all meetings of such chapter and shall exercise therein the usual functions of a presiding officer.

SECT. 4. *The Secretary-General* shall keep a record of all the proceedings of the society and of the Executive Council; he shall have charge of the seal and records; he shall issue and sign, in conjunction with the President-General, all charters granted to subsidiary chapters, and shall with him certify to all acts of the society. He shall upon orders from the President-General or Executive Council, give due notice of the time and place of meetings of the society and of the Executive Council; he shall give notice to the several officers of all resolutions, orders and proceedings of the body affecting them or pertaining to their respective offices; and he shall perform such other duties as may be assigned to him by the Executive Council.

SECT. 5. *The Treasurer-General* shall collect and receive all dues, funds and securities of the society and deposit the same to the credit of The American Irish Historical Society in such banking institution or institutions as may be designated by the Executive Council. All checks, drafts and orders drawn on the funds of the society shall be signed by the Treasurer-General and counter-signed by the President-General or the Secretary-General. He shall give such bond as the Executive Council shall require. He must keep a full and accurate account of all receipts and disbursements, and make a full report thereof to the society at each annual meeting, and to the Executive Council whenever requested. The books and accounts of the Treasurer-General shall at all times be kept open to the officers of the society and members of the Executive Council, and on expiration of his term of office, all such books and accounts shall be delivered to his successors in office or to the Executive Council.

SECT. 6. *The Librarian and Archivist* shall be the custodian of all published books, pamphlets, files of newspapers and similar property of the society. He shall have charge of all documents, manuscripts and other productions not assigned by this constitution to other officers of the society, and shall keep the same in a place or places easy of access and safe from loss by fire or other causes.

SECT. 7. *The Historiographer* shall write such histories or historical articles as the Executive Council may from time to time require; assist in the preparation of the annual journal and other historical works of the society; and perform the other duties usually pertaining to his office.

ARTICLE VI.

MEETINGS.

SECTION 1. The annual meeting of the society shall be held in the month of January, each year, the particular day and place to be fixed by the society in general meeting or by the Executive Council in case the society fails to do so. At least twenty days' notice of the annual meeting shall be given by mail to all members of the society.

SECT. 2. Special meetings of the society may be called at any time by the Executive Council. At least ten days' notice of the time, place and objects of special meetings shall be given by mail to all members of the society.

SECT. 3. At all meetings of the society, the presence of thirty-five members shall be necessary to constitute a quorum for the transaction of any business.

SECT. 4. The Executive Council shall hold at least four meetings during each year, namely on the second Tuesday of February, the second Tuesday of May, the second Tuesday of October and the second Tuesday of December and at such times other as may be designated by the President-General or any one of the Vice-Presidents-General, in the event that the President-General is unable to act in the matter.

ARTICLE VII.

STATE CHAPTERS.

Ten or more members of this society in good standing may, on obtaining a charter from the Executive Council, organize a subsidiary chapter in any state or territory of the United States, the District of Columbia, the Dominion of Canada, or Ireland. The State Vice-President of this society for the particular state or district shall, by virtue of his office, be the President of such state chapter; he shall preside at the meetings of such chapter and shall exercise therein the usual functions of a presiding officer. The members of each state chapter of this society may elect from their own number a Vice-Chairman, a Secretary, a Treasurer and such other officers as may be necessary to manage the affairs of such chapter. Membership in such subsidiary chapters shall be limited to persons who are members of this society in good standing.

ARTICLE VIII.

This constitution may be amended at any regular meeting of the society by a two-thirds vote of the active members present, provided no such amendment shall be made except upon recommendation of the Executive Council or on the written request of at least fifteen active members of the society, and further provided, that at least ten days' notice, in writing, of any proposed amendment be given to all active members of the society.

GENERAL INFORMATION REGARDING THE AMERICAN IRISH HISTORICAL SOCIETY

The Society was organized January 20, 1897, in Boston, Mass., and now has 1,168 members in forty-one states, District of Columbia, the Philippines and seven foreign countries.

The object of the organization is to make better known the Irish chapter in American history.

There are three classes of members—Honorary, Life and Annual. The life membership fee is \$50 (paid once). The fee for annual members is \$5, paid yearly. In the case of new annual members, the initiation fee, \$5, also pays the membership dues for the first year.

The board of government comprises a President-General, a Vice-President-General, a Secretary-General, a Treasurer-General, a Librarian and Archivist, a Historiographer, and an Executive Council. There are also State Vice-Presidents.

The Society has already issued thirteen bound volumes and a number of other publications. These have been distributed to the members and to public libraries; also to historical organizations and to universities. Each member of the Society is entitled, free of charge, to a copy of every publication issued from the time of his admittance. These publications are of great interest and value, and are more than an equivalent for the membership fee.

The Society draws no lines of creed or politics. Being an American organization in spirit and principle, it welcomes to its ranks members, of whatever descent and of whatever creed, who take an interest in the objects for which the Society is organized. Membership application blanks will be furnished in any number on request to the Secretary-General. Blank applications are found at the back of this volume.

The membership includes many people of prominence, and the Society has been addressed by many distinguished men. It occupies a position in the front rank of American historical organizations.

The Society appeals for membership to all men and women of the Irish race interested in Irish progress on this great continent where they have wrought and struggled on a basis of equality and freedom never before offered to them. It is a grand and surprising record for the most part, which should be known, and the story told of Irish achievement in every state and territory. It is a badge of intellectual interest in a wonderful movement to belong to the American Irish Historical Society.

The Society is a corporation duly organized under the laws of the State of Rhode Island and is authorized to take, hold and convey real and personal estate to the amount of \$100,000.

Gifts or bequests of money for the uses of the Society are solicited. We depend entirely on our membership fees and dues, and if we had a suitable fund on hand, its income would be most advantageously used for historical research, printing and issuing historical works and papers and adding to our library. The following is a form of bequest good in any state or territory:

"I give and bequeath to the American Irish Historical Society
.....dollars."

If desired, a donor or testator may direct the application of principal or interest of his gift or bequest.

Every member is entitled to receive one copy of the current volume of the Society's Journal, and extra copies may be had at the rate of \$2 each.

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